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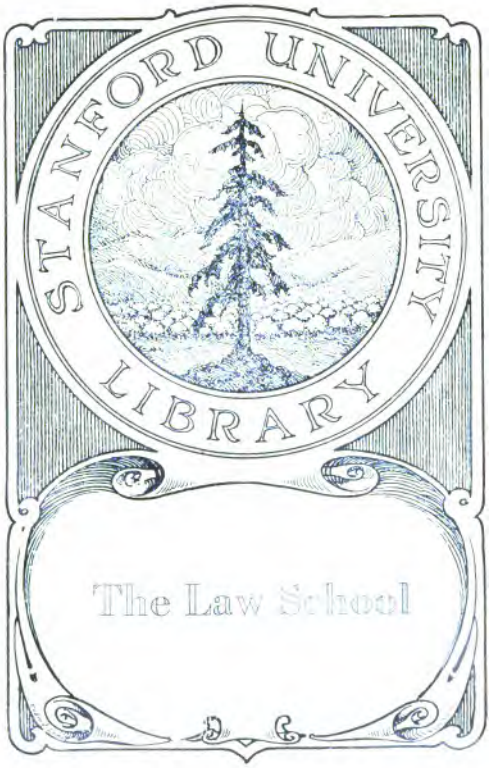
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ACTS

PASSED AT THE FIRST SESSION

OF THE

TWENTIETH GENERAL ASSEMBLY

FOR THE

COMMONWEALTH

OF

KENTUCKY;

BEGUN AND HELD IN THE CAPITOL, IN THE TOWN OF FRANKFORT, ON MONDAY THE SECOND DAY OF DECEMBER, 1811, AND OF THE COMMONWEALTH THE TWENTIETH.

PUBLISHED BY AUTHORITY.

FRANKFORT, (K.)

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ACTS.

CHAPTER CCLXCVII.

AN ACT

To Revise and Amend the MILITIA LAW.

APPROVED, 29th January, 1812.

SEC. 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following rules and regulations for the government of the militia of this state, be hereafter observed and followed by all persons whatever; hereby repealing every former law, rule and regulation, heretofore enacted or adopted by the authorities of this state relative thereto.—The judges of the superior and circuit courts, the treasurer, auditor, attorney-general, secretary of state, register of the land office, and their clerks; professors and tutors of public seminaries of learning; the public printer, and such as may be necessarily employed in his office: ministers of religious societies; keepers of public jails; the guards employed in the jail and penitentiary house; the president, cashier and clerks, in the bank of Kentucky, and its branches, shall be exempt from performing militia duty.

SEC. 2. The enrolled militia shall be laid off into divisions, brigades, regiments, battalions and companies. The divisions, brigades and regiments, shall be laid off by the gov-

ernor for the time being, and be subject to such change as he may deem expedient. The field officers of the respective regiments, are hereby authorised to form, alter, or modify the boundaries of battalions and companies, within their said regiments, as they, or a majority of them, shall deem most proper; and the adjutants shall keep a record thereof. The freemen of this commonwealth (negroes, mulattoes and Indians excepted) shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms, shall not be compelled to do so; but shall pay an equivalent for personal service: which equivalent shall be one dollar per day for each muster. But in cases of invasion, insurrection, or war, where such persons are called into service, they shall be permitted to find an able bodied substitute in lieu of personal service.

The commanding officers of divisions, shall appoint their aids:—brigadier generals their brigade majors:—commanding officers of regiments, their regimental staff;—and captains of companies, their non commissioned officers. A majority of the field officers and captains in each regiment, shall nominate the commissioned officers in each company; who shall be commissioned by the governor. *Provided*, that no nomination shall be made, unless two at least of the field officers are present; and when two or more persons have an equal and the highest number of votes, the field officer present, who may be the highest in commission, shall decide the nomination.

Sec. 3. The governor shall provide for raising companies of grenadiers, light infantry, cavalry, riflemen and artillery, agreeably to the

laws of the United States, at his discretion; and when raised and officered, shall be subject to the laws and rules of the said United States, and of this state as other militia.

DUTY OF THE MAJOR-GENERAL.

SEC. 4. It shall be the duty of each major general to receive from the adjutant general, copies of requisitions of men made by the government upon his division; and to attend the several regimental musters in the bounds of his division, once in every two years at least. Whenever the major general may choose, he may attend at any muster or review whatsoever; and give any orders for the disciplining of the troops, that he may deem expedient.

BRIGADIER GENERAL.

SEC. 5. It shall be the duty of the brigadier general, to appoint the time of regimental and battalion musters in each year; written notices of which, he shall give to the commandant of regiments, on or before the first day of February in each year. It shall be his duty to visit each regiment in his brigade annually, on their regimental muster days, and review them; and whenever he may be present at any muster in his brigade, he may order and direct the discipline and exercise thereof, if the occasion in his opinion should require it. He shall also furnish his major general with a list of the days appointed by him for regimental reviews.

COMMANDANTS OF REGIMENTS.

SEC. 6. The commandant of each regiment, shall receive the written orders of his general of brigade, for the times of holding regimental & battalion musters for the year; and shall give

like notice thereof, to the commandant of battalions, on or before the fifteenth day of February in every year; to which he shall add, the place for holding his regimental muster and court of assessment. It shall be his duty to attend the regimental and battalion musters, and exercise his regiment himself—to superintend and correct the exercise of the battalion musters, and the company musters, when he may choose to do so. Whenever vacancies in his regiment shall render it necessary, he shall convene the field officers and captains of his regiment, to nominate proper persons to fill vacancies therein.

SEC. 7. It shall be the duty of the major general, brigadier general, or commandants of regiments upon receiving notice of an invasion or insurrection, to immediately embody such force as they may deem competent for the emergency; and give the earliest notice thereof, to their next superior officer and the governor.

COMMANDANTS OF BATTALIONS.

SEC. 8. It shall be the duty of the commandants of battalions, to receive the written orders of the commandants of regiments, for the days on which the regimental and battalion musters shall be appointed for the year, and give a written notice thereof, to the commandants of companies within their respective battalions, on or before the first day of March in every year; adding thereto, the places of holding the regimental and battalion musters, and court of assessment. They shall exercise their battalions on their days of muster; and when they may be present at any company muster

they may superintend their exercise, if they think proper.

CAPTAINS, *or* COMMANDANTS OF COMPANIES.

SEC. 9. The commanding officers of companies, shall receive from the commandants of battalions, the written notices of the days and places, at which the regimental and battalion musters in each year are to be held; to which the said commandants of companies shall add, the days and place appointed for the muster of their companies for the same year, as well as the time and place of the sitting of the court of assessment; and they shall, on or before the fifteenth day of March in each year, deliver a certificate of the musters so ordered, and courts of assessment, to the sergeants—whose duty it shall be, to receive and deliver to, or leave at the place of lodging, or the usual place of abode, of each subaltern and non-commissioned officer, musician and private, in the company to which he belongs, a like written notice, on or before the first day of April in each year; but in all cases where any person may move into the bounds of any company, or arrive at the age of eighteen years, after the first day of April in any year, the commandants of companies shall, as soon as possible, give to such person a like notice in the same manner. *Provided*, in all cases where any militia man receives three days notice of any muster, it shall be deemed lawful. And, provided further, that it shall be the duty of commanding officers of companies, from time to time, to cause all persons to be notified to attend muster, who, from accident or neglect, failed to receive a notice before the 1st day of April.

LIEUTENANTS & ENSIGNS.

SEC. 10. It shall be the particular duty of the lieutenants and ensigns, to assist in the exercise and discipline of their companies, and report every defalcation or disobedience in the government and exercise thereof.

SEC. 11. All officers of every grade, shall implicitly obey the orders of their superiors: and in case of absence, death, or inability of any officer, the next in rank, shall take the command; and discharge all the duties required by this act of his superior, during such vacancy, absence or inability.

SEC. 12. In case the brigadier general should fail to notify the commandants of regiments of the time of holding the regimental and battalion musters, in the bounds of his brigade, within the time prescribed by law; the colonel commandant of such regiment, shall appoint his own regimental and battalion musters; or in case of failure on his part, the majors of the battalions composing such regiment, shall appoint and give notices of the times and places, of holding their battalion musters.

GENERAL BRIGADE & REGIMENTAL STAFF.

SEC. 13. The adjutant general shall be appointed and commissioned as other officers; and keep his office in the state house—shall keep a fair record of all orders and communications, which he shall from time to time receive from the commander in chief of the militia of this state; shall receive the annual returns made to him from the generals of divison; and shall make from the several division returns, a general return of the whole strength of the militia of this state: which he shall lay before

the commander in chief, on or before the tenth day of December in each year; a duplicate of which return, he shall, without delay, forward to the secretary at war of the United States: and he shall perform such other duties as are enjoined on him by the laws of the United States. He shall furnish blank printed forms of annual returns of divisions, brigades regiments, battalions and companies, on or before the first day of May in each year:—And the public printer is hereby authorised and required, to print the same, on application of the adjutant general. All letters or packages, coming to, or sent by him, relative to the duties of his office, by mail, shall be paid for by the state, on the same being certified by the governor, that they relate to the duties of his office: which the governor shall certify to the auditor of public accounts for payment accordingly. He shall be entitled as a compensation, for the duties enjoined on him by the laws of this state and the United States, one hundred and fifty dollars per annum—for which the auditor of public accounts is hereby required, to issue his warrant on the treasurer for payment accordingly. *Provided, however*, he shall produce the governor's certificate, that the duties of his office shall have been faithfully performed

Sec. 14. Aid-de-camps shall be commissioned by the governor; whose duty it shall be, to execute the orders of the major general, to whom they are attached.

Sec. 15. Brigade inspectors, adjutants, quartermasters, paymasters and surgeons, shall be commissioned by the governor.

Sec. 16. Judge advocate, and provost martial,

shall be appointed to the several courts martial, by said courts hereafter ordered. It shall be the duty of the judge advocates, to take and keep safely, a true statement of all proceedings, whether pleas, evidence or defence, made before a court martial: a fair copy of which, after being signed by the president, shall be delivered to the governor or officer ordering such court martial, (as the case may be) within twenty days after their adjournment; and to prosecute for the state. The provosts martial shall attend and execute the orders of the court.

COURTS MARTIAL.

SEC. 17. Courts martial shall be appointed for the trial of all offences arising from neglect of duty, disobedience of orders, or disorderly and ungentlemanly behaviour.

SEC. 18. General courts martial may be ordered by the governor, when he shall think it necessary: where a major general shall preside, and be composed of eight additional members; two of whom, shall be brigadiers, and the other six, field officers.—The proceedings of this court, shall be approved or disapproved by the governor

SEC. 19. Division courts martial, may be appointed at the discretion of the major general—where a brigadier shall preside; who, with eight field officers, two of whom shall be colonels, shall compose the court;—whose proceedings shall be approved or disapproved, and whose sentence shall be affirmed or reversed, by the major general who ordered such court; subject, however, to an appeal to the governor, for his final affirmance or reversal.

SEC. 20. Brigade courts martial, may be

appointed at the discretion of the brigadier general; where a lieutenant colonel shall preside; who, with eight additional officers, two of whom shall be majors, and the other six captains, shall compose such court; whose proceedings shall be approved or disapproved by the brigadier general, ordering such court; subject, however, to an appeal to the major general for his final affirmance or reversal.

SEC. 21. Regimental courts martial, may be appointed at the discretion of the lieutenant colonel commandants of regiments—where a major shall preside; who, with eight other additional officers; two of whom shall be captains, and the other six subalterns, shall compose such court:—whose proceedings shall be approved or disapproved by the commanding officer of the regiment; subject, however, to an appeal to the commandant of the brigade, for a final decision.

SEC. 22. In general courts martial, none shall be tried below the grade of a general officer, or the general staff: In a division court martial, none shall be tried below the grade of a field officer: In a brigade court martial, the field officers and brigade staff, may be tried, or a captain for good cause shewn: In a regimental court martial, all officers below the grade of a field officer, as well as regimental staff officers, shall be tried.

SEC. 23. Upon the convening of either of the courts herein directed, the president thereof, shall administer to the judge advocate the following oath or affirmation:—"I do solemnly swear, or affirm, (as the case may be) that I will truly and faithfully execute the office of judge advocate to this court, so long as I remain

to the best of my abilities, and ac- the laws of this state; and that I when secrecy is required, disclose or over the opinions of any court martial wherein I serve, unless to the commanding officer, until he has approved or disapproved thereof; nor will I at any time, disclose or discover the opinion of any particular member of the court martial, unless required to give evidence in a court of justice." Which oath shall be deemed a competent qualification to such judge advocate, while he continues to act. And the judge advocate shall proceed to qualify the president and members, by administering to them the following oath:—"You, and each of you, do swear, (or affirm) that you will, well and truly try and determine, according to evidence, agreeably to justice, the best of your understanding, and the laws of this state, between the commonwealth of Kentucky, and the prisoner to be tried; and you will not disclose the opinions of this court martial, where secrecy may by required, until made public by the proper officer; nor will you at any time, disclose the vote, or opinion of any particular member thereof, unless called upon by a court of justice to give evidence." Whereupon, the court shall proceed to the business laid before them, and adjourn from day to day, until it is finished; of all which, a complete record shall be made, and signed by the president; and the court shall be dissolved. Upon the disclosure of the opinions, or sentence of any court martial, any person may according to the directions of this act, appeal therefrom, by filing a written notice, with the officer to whom the appeal is made, within thirty days

after the sentence is published ; whose duty it shall be to order up before him the proceedings of such court, for a final decision, which shall be given within thirty days thereafter.

Sec. 24. Any person having cause of complaint against any commissioned officer, shall file with the governor, major general, brigadier general, or commandant of regiment, the charges, certified in form ; upon which an enquiry or arrest at the discretion of such officer, having the power to order, may be awarded : *Provided*, that from the commencement of an arrest, the court martial shall be ordered to meet within thirty days ; of the time and place of which, the officer arrested shall have at least fifteen days notice, as well as a copy of the charges lodged against him. And Provided also, that if upon the meeting of such court, it shall appear that from the absence of witnesses, inability, or sickness of the parties, or for any good cause shewn, a fair and impartial trial could not then be had, they may adjourn the court to a future day, not exceeding three months. And on the trial of any officer or officers, before any court martial, the accused shall not have it in his power to object to the president of the court, but shall have the right of peremptory challenge, to any other three members of such court, and to as many more as he can shew good cause, to be adjudged of by the court, ; in which case another, or other members, shall be summoned to fill their place or places, by order of the president of such court : And provided also, that any person wishing to lodge a complaint against an officer, shall before making such application to the officer, who is to order the court martial, make

oath before some justice of the peace, that the charges which he is about to exhibit, are true to the best of his knowledge and belief.

Sec. 25. A court for the assessment of fines, and receiving the returns of delinquents, shall be held for each regiment, on the last Monday in November in every year; which shall be composed of a majority of the captains of such regiment, the eldest of whom present, shall be president of said court; *Provided, however*, that if from a vacancy, or absence of any captain, the next officer in rank in such company, shall attend. Which court, together with the regimental judge advocate and provost martial, may proceed to business; but in case the judge advocate fails to attend at any court of assessment, one may be appointed *pro tem.* but all other commissioned company officers may attend, if they please, who *ex-officio*, shall be members of said court. This court is to examine all returns laid before them; to have the delinquents called, to shew cause why judgment should not be awarded against them, and to deliver their opinion in every case to the judge advocate, who is hereby directed to make a fair record thereof. This court shall also have the power of excusing from militia duty aged and disabled persons during their disability; and to hear evidence to determine the same; they shall have power to adjourn from day to day; to compel the attendance of absent members; and when their business is completed, the president shall sign the record of their proceedings, and the court for that year shall be dissolved: *Provided*, that previous to their proceeding to do any business whatsoever, the president thereof, shall adminis-

ter to the judge advocate, the following oath or affirmation :—"I, do solemnly swear (or affirm as the case may be) that I will truly and faithfully execute the duties of judge advocate to this court, so long as I remain in office to the best of my abilities, and according to the laws of this state." Which oath shall be deemed a competent qualification to such judge advocate while he continues to act; during which time he shall be exempt from militia duty. And the judge advocate shall proceed to qualify the president and members, by administering to them the following oath :—"You, and each of you, do swear (or affirm) that you will truly and diligently enquire of, and decide upon the several delinquencies reported to you, and in every case decide according to law, and the best of your skill and understanding, without favor or hope of reward—So help you God."

RETURNS OF THE STRENGTH OF MILITIA.

Sec. 26. That all commanding officers of companies, after their military exercise for the day shall be over, in the month of June, in each and every year, shall proceed to make their annual company returns, agreeably to forms which shall be furnished them by the adjutant general; in which shall be expressed the military strength, arms and accoutrements of such company; who, after countersigning the same, shall deliver it to the commandant of his battalion, on or before the tenth day of July in each year.

Sec. 27. That all commandants of battalions, shall make from the company returns under their command, a return of the strength

of their battalions, agreeably to the form prescribed by the adjutant general, which they shall deliver to the adjutants or commandants of their respective regiments, on or before the first day of August in each year.

Sec. 28. That it shall be the duty of the commandants of regiments, to cause their adjutants to make out from the battalion returns, on or before the tenth day of August, in each year, regimental returns, agreeably to the forms prescribed by the adjutant general, and lay the same before them, for their examination and signature; and it shall be the duty of the said commandant, to cause their adjutants to forward the returns of regiments, to the inspectors of their respective brigades, on or before the first day of September, in each year.

Sec 29. That it shall be the duty of the brigade majors, to make out from the regimental returns, on or before the tenth day of September in each year, two brigade returns, agreeably to the form prescribed by the adjutant general; and lay the same before the said commanding officers of brigades, for their examination and signatures—one of which returns, the said brigade inspectors shall forward to the commanding officer of the division, to whom they belong, on or before the tenth day of October, in each year.

Sec. 30. It shall be the duty of the major generals, to cause their aids to make out from the brigade returns, on or before the first day of November, in each year, two fair division returns, agreeably to the form prescribed by the adjutant general: and lay the same before the said commanding officer of divisions, for

his examination and signature: one of which returns, the said commandants of divisions, shall forward to the office of the adjutant general; on or before the last day of November, in each year.

MUSTERS.

Sec. 31. There shall be in the month of October, in every year, a regimental muster at such places as the commandant belonging thereto, may direct—where every field, staff and regimental commissioned and non-commissioned officer, every private and musician shall attend, armed and equipped according to law.

Sec. 32. There shall be a battalion muster in every battalion, at such place as the commandant thereof shall direct, in the month of May in each year; where every officer, non-commissioned officer, musician and private, belonging thereto, as well as the regimental staff, shall attend, armed and equipped according to law.

Sec. 33. That there shall be four company musters held in each year, to be appointed at the discretion of the commanding officers of companies as to time and place, viz. One within each of the months of April, June, August and September; where every commissioned, non-commissioned officer, musician and private shall attend, armed and equipped according to law.

Sec. 34. At the several musters herein directed to be held, the troops shall be exercised at least three hours on each day, agreeable to the rules prescribed by congress, except such deviations therefrom, as may be rendered ne-

cessary by some unavoidable circumstance; the roll shall be called at each muster or review, and the delinquents particularly noted by the commandant of companies; both as to absence, arms, accoutrements, and as to a refusal and failure to perform the duties required when present. It shall be the especial duty of the commanding officer at every muster, strictly to examine the arms and equipage of the troops under their command; and report their actual situation, at the time of making their annual returns.

Sec. 35. It shall be the duty of the commandants of regiments, to proceed and appoint a regimental drill muster, to be held for his regiment, in the month of September in each year; where the whole of the commissioned and non-commissioned officers, staff and music belonging to his regiment, at some convenient place therein, to be appointed by such commandant, shall attend equipped and armed in such manner as the commandants thereof may direct; to be drilled and exercised by him or under his direction; which exercise and drilling shall continue for two days in succession: *Provided*, that such commanding officers, shall give due notice of the time and place of such regimental drill musters.

Sec. 36. At all regimental drill musters the commanding officer shall call the roll, note and return all delinquents, as at all other musters.

Sec. 37. At all musters and reviews, and attendance on courts martial, or courts of assessment, no person or persons are to give impediment or disturbance. Every officer and private thereof, shall be free from arrest, (except for treason, felony, or breach of the peace)

whilst going to, attending on, or returning from any review, muster, courts martial, or courts of assessment—and any person or persons, other than those performing militia duty, who shall wilfully impede or disturb, any corps or court, in their exercise or other duty, shall be apprehended and brought before a magistrate; who, upon due proof of such charge, shall adjudge against such person, a sum not less than two, nor more than ten dollars, and award execution, either against his body or goods; and may be put under guard, for three hours or less, by the commanding officer And all sums so recovered, shall be paid to the regimental paymaster for the use of the regiment in which such impediment or disturbance shall have taken place. And if any private or non-commissioned officer while on parade, shall give disturbance, by intentionally insulting any commissioned officer, any indecent language, or menace, or in any other manner interrupting the good order of parade, he may be placed under guard by the commanding officer at such muster or review, for a time not exceeding three hours; and in addition thereto, may be fined by the annual regimental court of assessment, in a sum not less than two, nor more than ten dollars, to the use of said regiment.

Sec. 38. That the brigade inspectors, adjutants of regiments and commanding officers of companies, shall severally keep a book in which all returns shall be recorded, and other casual occurrences noted.

§ 39. *Be it further enacted*, That the resignation of all commissioned officers, shall be made in the following manner, to wit: All company and staff officers of regiments, shall

resign to the commanding officer of regiments: regimental, field, and brigade staff officers, to the commanding officers of brigades: brigadier generals, and division staff, to the commanding officers of divisions: and major generals, and the adjutant general, to the commander in chief of this state. And when any such commanding officer of a brigade or division, shall receive the resignations of any officer, made to him as aforesaid, he shall certify the same without delay to the governor, in order that such vacancy may be supplied. When any nominations of company officers are made to the governor, according to law, to fill vacancies which may happen, it shall be the duty of commanding officers of regiments, from which such nominations are made, to insert the name of the person, whose place the nomination is intended to fill, designating the cause of such vacancy, whether by death, promotion, resignation, removal or otherwise.

Sec. 40. It shall be the duty of any person hereafter appointed to any office in the militia in this state, within twenty days after receiving his commission, and before he acts under it, to take the following oath: "I do swear or affirm, that I will support the constitution of the United States, and that I will be faithful and true to the commonwealth of Kentucky, so long as I continue a citizen thereof; and that I will faithfully execute the office of according to law, and to the best of my understanding.—So help me God." Which oath may be taken before any magistrate, or in the court of any county, and a certificate thereof, shall be endorsed upon his commission at the time of taking the oath—

which officer thus qualified, shall be respected and obeyed as such.

Sec. 41. Every regimental officer, taking the aforesaid oath, shall within twenty days thereafter, lodge with the adjutant of his regiment, a duplicate of the aforesaid oath; which duplicate, shall be filed and preserved with the papers of his office. And any person who may have been commissioned as aforesaid, who fails to comply with the requisitions of this act, shall be considered as having refused to accept; and the proper officer shall proceed to have the vacancy filled, as in other cases.

Sec. 42. If any officer, before he shall have taken the oath of office prescribed by this act, shall exercise any of the duties of such office, he may (if a field officer) be fined in any sum, not more than fifty dollars, at the discretion of a brigade court martial; if below the rank of a field officer, he may be fined in any sum, not more than twenty-five dollars, to be assessed by a regimental court martial, or court of assessment, to be applied to the use of said regiment as other fines are by this act.

Sec. 43. It shall be the duty of every officer, previous to his resigning, or removing without the bounds of his command, to deliver the public arms, or other public property; the laws, rolls and returns, that may be in his possession at the time of his resignation, removal, or disqualification, to the next officer of his company, or to the commandant of his regiment, who shall deliver the same to the successor of such officer. Any person failing so to do, shall be subject to a fine not exceeding fifty dollars, to be assessed by a regimental court martial, or court of assessment, to be applied to the use of said regiment.

Sec. 44. *Be it further enacted*, That if any commissioned officer, shall absent himself from the duties of his command, for the space of twelve months, unless he be employed on public business, it shall be deemed a removal, and measures shall be immediately taken thereafter, by the governor, major general, brigadier general, or commandant of regiments, (as the case may be) for supplying such vacancy. And if anycommissioned officer in the militia of this state, shall labour under any apparent incurable bodily infirmities, or mental derangements, the governor, major general, brigadier general, or commanding officers of regiments, (as the case may be) shall order a court of enquiry, which shall consist of five members; and if on testimony or personal observation, they shall report to the officer ordering such court; that the officer thus charged, does actually labour under such bodily infirmities, or mental derangements, to such extent as to disqualify such officer from a faithful discharge of his duties, under the militia laws of this commonwealth; and if the officer ordering the court of enquiry, shall approve the report of said court, the office shall thereafter be considered vacated: and the governor, major general, brigadier general, or commanding officer of regiments, (as the case may be) shall take proper measures for filling such vacancies accordingly: *Provided however*, that in all cases where the opinion of said court goes to vacate the office of any officer above the rank of a captain, the governor shall first approve the same.

Sec. 45. Within twenty days after the sit-

ting of every regimental court of assessment, the judge advocate thereof, shall make out three fair lists of all the fines assessed, and deliver the same to the commandant of the regiment; whose duty it shall be, to furnish the paymaster with one; the high sheriff of his county with another, on or before the first day of February in each, and every year, and take his receipt therefor, and keep one himself; which fines shall be collected and accounted for according to the provisions of this act. Any judge advocate failing to make out within the time prescribed by this act, the lists of fines herein required; shall be fined at the discretion of a regimental court martial, in any sum not exceeding one hundred dollars; and in addition thereto, may be dismissed from office. Any colonel or commanding officer of regiments, who shall fail to place a list of the fines, assessed by the annual regimental court of assessment, into the hands of the sheriff of his county for collection, by the time prescribed by this act; shall be fined at the discretion of a brigade court martial, in any sum not exceeding one hundred dollars. Each, and every sheriff, or deputy sheriff, under the penalty of one hundred dollars, to be recovered on motion by the paymaster in the county court, shall receive of, and receipt to the commandants of regiments, for all lists of fines against all delinquents and defaulters, as adjudged by any court of assessment, or courts martial. The sheriff shall have power to apply for, and receive the same, levy and make distress therefor, as in cases of county levy, if payment is withheld; for which the said sheriff shall receive the same per centum and

fees for distress, as are allowed for collection of the public revenue. On or before the first day of October, in every year, the said sheriffs shall settle with, and pay over to the regimental paymaster, all sums by them collected as aforesaid; and return upon oath, an account of all insolvents and delinquents, reserving his commission as aforesaid; taking the said paymaster's receipt therefor, an attested copy of which, he shall have recorded in the next succeeding county court, for the county of which he is sheriff. But in case the said sheriff shall fail, or refuse to pay and settle with the paymaster as aforesaid; the said paymaster shall immediately proceed to recover the monies due from the said sheriff and his securities by motion in the county court, in the same manner that monies are recovered by the counties against their public collector of levy.

Sec. 46. The regimental paymaster shall, before he acts as such, enter into bond with sufficient security in the county court, to be approved of by such court, to the commonwealth of Kentucky, in the sum of one thousand dollars—conditioned for the just fulfilment of all the duties herein required of him; which bond shall not be void on the first recovery. And he shall also take the following oath: "I do swear, I will as paymaster to the regiment of Kentucky militia, truly and honestly perform the said duty, and render a just account to the best of my knowledge, when called upon by the proper tribunal."

Sec. 47. It shall be the duty of the field officers in every regiment, to call upon and settle with the paymaster in the month of No-

vember annually, or oftener, if they think proper; which settlement signed by themselves, they shall cause to be recorded in the court of their county, at the next court after the close of such settlement; the clerk of which court, shall perform such services without fee. The monies collected, and funded with the regimental paymaster, shall be subject to orders drawn by the commandant of the regiment, for the following, and other regimental purposes, to wit: The purchase of regimental and battalion standards, drums, fifes, music, (at the several regimental, battalion, drill, and company musters,) for services of judge advocate, and provost martial of regimental courts martial, courts of assessment and appeals, adjutant, the purchase of arms, and teaching military music; all which orders, shall be regularly filed and preserved by the paymaster, as vouchers in his annual settlement. For all and every duty herein specified, the said paymaster shall retain, and be entitled to six per centum, on all sums actually received and paid away.

Sec. 48. *Be it further enacted*, That the paymaster shall, in settling claims pay respect to seniority; and that a younger claim shall not be settled until those of an elder date are paid off. *Provided*, the elder claimant has given due and timely notice to the paymaster of his claim; and that the paymaster in settling with the sheriff, shall not allow for younger claims that may have been purchased up, until all the elder claims lodged as aforesaid with paymaster, shall be satisfied.

Sec. 49. Every division, brigade and regiment, shall be kept fully officered; and rosters in each, shall by the proper officer be pre-

pared, by which the detail of duty shall be regulated.

Sec. 50. In all cases where a troop of horse, infantry, artillery, grenadier or rifle company, shall be arranged, the men enlisting therein, shall not be discharged from their duty, in the regiment or company from which they were taken, until such troop or company shall have been mustered and returned; and no private or non-commissioned officer, shall quit the same, without the consent of the captain of such troop or company, while he continues to reside within the bounds thereof, or dissolution of said company.

Sec. 51. That hereafter no person shall be permitted to join any volunteer corps, from any company of the line which contains a less number than forty-five men including officers, without the consent of the commanding officer of such company; but at no time shall a company consist of less than thirty-two privates; and if at any time a company shall be reduced to a less number, it shall be incorporated with the adjoining companies, whilst such disability exists.

REGIMENTAL COURT OF APPEAL.

Sec. 52. That any person fined at the annual regimental courts of assessment, conceiving himself aggrieved thereby, shall and may, at any time prior to the first day of May next succeeding the sitting of such court, appeal therefrom to the field officers of his regiment; who, or a majority of them, are hereby constituted a court of appeals; who having taken an oath to act impartially therein, shall have power to remit such fine or fines, if in their opin-

ion, the same shall have been unjustly assessed. In all cases, appeals shall be taken in the following manner, to wit: The person complaining shall go before some justice of the peace for his county, and make oath, that he considers himself aggrieved by the decision of the court of assessment; and he may state his defence also on oath—and he shall take such magistrate's certificate, and file the same with the commanding officer of his regiment; who thereupon shall issue his order to the sheriff of his county, suspending the collection of such fine or fines, until such appeal can be heard by the court of appeals. Any excuse or defence made before any court of assessment, or court of appeals, shall be heard on oath, which may be administerd by the judge advocate of said court.

On the first Monday in May in each and every year, the court of appeals shall meet and sit at the same place where the regimental court of assessment, held in the preceding November, shall have assembled; where the judge advocate of the court of assessment shall attend, and record the proceedings of said court; or if he fails, the court shall appoint one *pro tem.* which court shall confirm or reverse the decision of the regimental court of assessment. It shall be the duty of the judge advocate of every court of appeals, within ten days after the sitting of such court, to certify to the sheriff of his county, the decision had on all cases laid before the court of appeals, whether confirmed or reversed; and also to furnish the paymaster of his regiment, with a copy thereof, to enable him to settle with said sheriff.

Sec. 53. That it shall be the duty of the judge advocate of every court of assessment

upon the application of the commanding officer of each company within his regiment, to furnish such officer with a list of all fines assessed on every member of his company, at the preceding court of assessment; and it shall be the duty of every commanding officer of a company, at his April muster in each year, to make a public declaration to his company of the names of each and every person fined, belonging thereto, at the last annual court of assessment held for his regiment.

Sec. 54. That the repealing clause in the first section of this act, shall not extend to, or do away the means of collecting and receiving all fines heretofore assessed. And 'Provided also, that all persons fined at any regimental court of assessment, held in the month of November last, shall and may appeal, as in cases of fines hereafter assessed.

Sec. 55. The governor for the time being, shall when he deems it necessary, call forth into the service of this state, such a number of militia as he shall judge expedient. A tour of duty shall be estimated at thirty days: and when employed in the service of the state, no militia-man shall be compelled to serve more than two tours without discharge. If called into the service of the United States, each militia-man, or corps, shall receive a credit for a tour of duty for every thirty days he may be so employed. *Provided*, in every case the duty shall actually have been rendered.

Sec. 56. That any commissioned officer, who may be ordered on a tour of duty, and failing to march agreeably to such orders, without a sufficient excuse, shall be cashiered; and moreover be liable to be fined in any sum

not exceeding three months pay. And any non-commissioned officer, musician or private, failing to march when ordered without a reasonable excuse, shall be considered as a deserter, and treated accordingly, unless he shall furnish a good able bodied substitute, to be approved of by the commanding officer of such detachment;

Sec. 57. All courts martial, and of assessment, may issue summons for witnesses; or previous to the sitting of such court, the president thereof, or any field officer, may issue such *subpæna;* the process to be served by the provost martial, or any sheriff or constable; and if any such witness shall fail to attend, without a reasonable excuse, he shall be fined in any sum not exceeding three dollars. And it is hereby declared, that the several courts possess competent power to carry into execution the regulations granted.

UNIFORM.

Sec. 58. As the reputation of the service will be materially affected by a conformity to a regulation so essential in a military point of view:—

Be it further enacted, That at all musters, reviews, courts martial, or courts of assessment, as well as in actual service, the following shall be the unform and equipments ofthe following commissioned officers, to wit: Major generals, brigadier generals, and general staff officers, shall appear in uniform and side arms, to wit: With a coat of blue, lappells of buff, gold epaulets, and buff underclothes, boots, spurs, a round black hat, cockade, plume and small-sword or hanger. Lieutenant colonels, majors and brigade inspectors,

shall appear in uniform and side arms, viz. A coat of blue, lappells of red, silver epaulets, white waistcoat, and blue pantaloons, boots spurs, a round black hat, cockade, plume, and small-sword or hanger. Captains, subalterns, and regimental staff officers, (except surgeons, chaplains and surgeon's mate,) shall appear in uniform and side arms, viz. With a coat of blue, lappells of red, epaulets of silver, and white underclothes, a round black hat, cockade, plume, and sword or hanger. *Provided*, that for good cause shewn, the courts shall not fine the subalterns for not appearing in uniform. And provided, also, that the officers of the dragoons, artillery, light-infantry, and rifle corps, may wear the uniform of their respective corps. *Provided, however*, that all officers having hats or other uniforms, according to the provisions of the law heretofore in force, shall be permitted to appear on duty in them, whilst such uniform or hat shall last.

Sec. 59. A majority of the commissioned officers of each regiment, may adopt the colour of a plume to be worn in their regiment.

Sec. 60. All officers shall reside in the bounds of the division, brigade, regiment, battalion or company, to which they may severally belong.

Sec. 61. Parents, guardians, masters or mistresses, shall be accountable for, and pay the fines of their children, wards or servants who are under twenty-one years of age. *Provided*, that parents shall be responsible only when their children reside with them.

Sec. 62. As sanctions are necessary to enforce every provision in any law; and as the phraseology of this act may convey an idea that the performance of the duties enjoined

and directed to be performed by it, are discretional—it is hereby declared to every officer, non-commissioned officer, musician and private, that the duties herein directed, are to be specifically and positively performed; and that all and every delinquent, upon a failure therein, shall, and may be charged with disobedience of orders, neglect of duty, or disorderly and ungentlemanly behaviour. That courts martial shall be at the discretion of those authorised to order the same, or of a court of enquiry:—Whose duty it shall be, to cashier, dismiss from service, reprimand, or acquit those accused; and also to asses any fine herein imposed, either in addition to, or abstracted from any other punishment.

COURTS OF ENQUIRY.

Sec. 63. In cases where a court of enquiry may be ordered, to examine into the nature of any transaction, accusation, or imputation, against any commissioned officer, the said court shall consist of at least three, and not more than five members; the eldest officer of which, shall be president of said court. They shall appoint some suitable person as recorder, to reduce the evidence and proceedings to writing—all of whom shall be sworn to the faithful performance of their duty, before some magistrate. This court shall have the same power to summon witnesses, as a court martial, and to examine them upon oath; but they shall not give their opinions on the merits of the case, excepting they be thereto specially required. The parties accused, shall also be permitted to cross-examine and interrogate the witnesses, so as to investigate fully

the circumstances in question. The proceedings of a court of enquiry, must be authenticated by the signature of the recorder and president, and delivered to the officer ordering such court.

Sec. 64. *And be it further enacted*, That where any person subject to military duty, shall, after being fined by any court for the assessment of fines, remove into the bounds of another regiment, or into any of the counties of this state, it shall be lawful for the commanding officer of the regiment where the fine was imposed, to send a certified copy of such fine, into the county where such delinquent shall have removed to; and put into the hands of the sheriff of such county, the certified copy; and the sheriff shall proceed to collect and account for the same, in the manner that other fines are accounted for by law. It shall be the duty of commandants of regiments, on or before the first day of February in every year, to re-list with the sheriff of his county, all such fines as were returned delinquent by the sheriff, in the preceding year, except those provided for in this section, who had so removed, under the same penalties for neglect, or refusal to collect or account for, as is provided for in the 45th section of this act.

Sec. 65. Each and every brigadier general and cammandant of regiments, shall be entitled to one person to carry their orders, returns &c. who shall be exempt from militia duty during their appointment.

Sec. 66. *Be it further enacted*, That it shall be the duty of the several brigade inspectors, at the regimental and battalion musters, to notice and report all delinquencies of general and

and field officers, which may happen; and shall return such lists of delinquents, if a field officer, to the brigadier general; who may order a court for the trial of such delinquencies accordingly; and if a brigadier general, to the major general commanding the division, who may in like manner order a court for the trial of such delinquent.

Sec. 67. It shall be the duty of the several adjutants of regiments, at the regimental and battalion musters, to notice and report all delinquencies of captains, subalterns or staff officers, which may happen; and shall return such lists of delinquents to the next court of assessment held in his regiment, who shall have power to fine such delinquents for their neglect.

Sec. 68. That the brigade inspectors shall be allowed one dollar and fifty-cents per day, for their services. *Provided, however*, that before any money shall be drawn from treasury, they shall produce an account of the services rendered, together with their brigadier's certificate of a faithful discharge of every duty assigned them for the year; which account shall be laid before the governor for his approval; which, if approved, the auditor of public accounts shall draw a warrant on the treasury for the payment thereof accordingly.

DELINQUENT RETURNS TO THE COURT OF ASSESSMENT.

Sec. 69. It shall be the duty of all captains, or commandants of companies, to make a due return of delinquencies which may have happened within that year, either as to absence, arms and accoutrements, and as to a failure or refusal to perform duty when present; also of

all such non-commissioned officers or privates, who may have given disturbance at any musters of their companies; which return shall be delivered to the judge advocate of the court of assessment, on or before the last Monday in November in each year. *Provided however*, that no captain or other officer, shall be bound to return any person as a delinquent, who, to the knowledge of said captain, or any other credible person of his company, was sick, or unable to attend by reason of any bodily infirmity, or was absent from the county on indispensible business, at the time of such muster. *Provided also*, that all such excuses shall be on oath; which may be administered by the captain, or commanding officer of the company.

ENROLMENT AND CLASSIFICATION OF COMPANIES.

Sec. 70. Each commandant of a company shall lay off his men into ten classes, for an equal routine of duty: and when called upon, shall begin with the first. He shall be observant in enrolling all the men within his bounds, subject to militia duty, including all who may from time to time settle or reside therein, for the space of ten days; also, all those who shall from time to time, arrive at the age of eighteen years. *Provided, however*, that no person shall be enrolled, who has not been an inhabitant of this state for the space of three months.

Sec. 71. All fines assessed under any of the provisions of this act, on any general, field or staff officer, other than regimental staff, shall be paid into the public treasury. It shall be the duty of all officers ordering such courts

martial, to place a list of the fines so assessed, into the hands of the sheriff of the county in which such delinquent shall reside, within thirty days after a final decision thereon is had and take duplicate receipts of the sheriff therefor; one of which, said officer shall transmit to the auditor of public accounts by mail, who shall cause the sheriff aforesaid, to settle and account for, as in case of other public dues, within six months after such list shall have been placed in his hands.

Sec. 72. The judge advocate of every general, division, or brigade courts martial, which may be instituted under the provisions of this act, shall be allowed the sum of two dollars per day by the said court, which shall be certified by the president thereof; and each witness legally summoned and attending on such court, shall be allowed fifty cents per day for such attendance, with an addition of mileage as in other cases. The provost attending such court shall be allowed one dollar per day, to be certified as aforesaid. And the auditor of public accounts shall issue his warrant on the treasurer for payment out of any monies in the treasury not otherwise appropriated.

Sec. 73. *And be it further enacted*, That if a sufficient number of officers do not attend to form a court martial, or court of assessment, at the time appointed for holding the same, any one or more, who does attend, may adjourn from day to day, and send for the absentees, until a sufficient number shall attend to constitute a court. And it shall be the duty of the secretary of state, and he is hereby required, from time to time, to furnish the ad-

jutant general with a list of all general, staff and field officers, who may be commissioned by the governor.

Sec. 74. That all serjeants who deliver notices to the non-commissioned officers and privates, of the time and place of holding musters in this state, shall return to their respective commandants of companies on oath, from time to time, a list containing the names of the persons by them notified; and if not delivered by them in the time prescribed by law, he shall also note the time such notice was delivered; which oath any commandant of a company is hereby authorised to administer; which list or lists, shall be returned by the respective commandants of companies, to the judge advocate of the regiment to which they belong, on or before the day of the sitting of the court of assessment, to be by him laid before said court, which shall be sufficient evidence of notice to delinquents; and upon any charge in writing, lodged with the judge advocate of such court prior to, or during its sitting, of a failure or neglect of duty, of any officer or officers, for which he or they are subject by law to be fined, it shall be lawful for the court, when the officer or officers, are below the grade of a field officer, to determine the same; subject to the same appeal that fines against non-commissioned officers and privates are now by law subject to.

Sec. 75. It shall be lawful for commandants of companies, to discharge any person from militia duty, upon his producing an affidavit from some justice of the peace, that he believes, from the best information he has, that he is forty-five years of age.

Sec. 76. That all troops of horse not already belonging to, or forming a part of any regiment of cavalry, or which may hereafter be permitted to be raised, shall be considered as attached to, and forming a part of such regiment of the line within the bounds of which the captain of such troop resides; until the same is detached therefrom, and annexed to a regiment of cavalry agreeably to law. And no person shall be permitted to join hereafter, a rifle or light-infantry company, out of the battalion within which he resides.

Sec. 77. That the commandants of companies shall, at their regimental muster in each year, make a public proclamation, of all the delinquents they are about to return to the court of assessment.

Sec. 78. That the residence of every militia-man in this state, shall be considered to be at the place where he has his lodging.

Sec. 79. That no sergeant, or other non-commissioned officer, shall be compelled to serve as such for a longer time than one year.

Sec. 80. That upon failure of the paymaster of any regiment, to pay over to the order or orders of the commandant thereof, either the whole or any part of the amount of monies belonging to his regiment, in his hands, the same may be recovered on motion in the county court where his bond is filed; and the said court is authorised to give judgment against such paymaster and his security or securities, together with ten per centum damages. *Provided*, ten days notice of such motion be given by the holder or owner of such order.

Sec. 81. Any officer acting in the absence of his superior officer, shall be subject to the

several penalties imposed by this act on such superior officer, for a failure to perform the duties devolving on him by reason of such absence.

Sec. 82. It shall be the duty of each captain annually, on or before the tenth day of May, to furnish the sergeant-major of his regiment, with a list of the names of the sergeants and corporals of his company; and such sergeant-major shall keep a *roster* thereof, by which the datail of their duty shall be regulated.

Sec. 83. It shall be the duty of the commandant of companies to appoint his sergeants annually, at his April muster; also from time to time thereafter, appoint others to fill the places of those who may have removed, or refused to serve.

Sec. 84. All fines arising on any troop of horse, company of artillery, light-infantry, or riflemen, shall be severally applied to the use of said company; which fines and amercements shall be collected, funded, and applied as herein directed.

PAY.

Sec. 85. That the following pay be allowed the several officers herein after mentioned, for their services arising under this act, to wit:

To each judge advocate of a regimental court martial, or court of assessment, to be paid by the paymaster thereof, by order of the commandant, one and a half dollars per day.

To each provost attending any regimental court, or court of assessment, to be paid by the paymaster thereof, by order of the commandant, one dollar per day.

To the adjutants of regiments, to be paid by

the regimental paymaster, by orders drawn by the commandants of regiments, one and a half dollars per day.

FINES.

Sec. 86. That the fines inflicted under this act, shall be as follows, without a reasonabe excuse, viz :

MAJOR-GENERAL—On any major-general who fails to perform the duty or duties required of him, any sum not more than fifty dollars, nor less than twenty dollars. For failing to uniform and equip himself according to law, any sum not more than thirty dollars, nor less than fifteen dollars.

BRIGADIER-GENERAL—On every brigadier-general, for failing to make his annual return, forty dollars. For failing to appoint the regimental and battalion musters in his brigade, thirty dollars—For failing to review his brigade, for each regiment, ten dollars—For failing to attend when ordered on a court martial, twenty dollars—For failing to uniform and equip himself according to law, twenty dollars.

ADJUTANT-GENERAL—On the adjutant general, for failing to perform the duty or duties required of him, any sum not exceeding fifty dollars.

COMMANDANT OF A REGIMENT—On every commandant of a regiment, for failing to convene the field officers and captains of his regiment, to fill vacancies, ten dollars—For failing to have his annual regimental return made and transmitted to the brigade inspector, twenty-five dollars—For failing to appoint the place of mustering his regiment, or place of holding a court of of assessment, twenty dol-

lars—For failing to give notice of regimental and battalion musters, twenty dollars—For failing to attend and exercise his regiment, at the annual muster, fifteen dollars—For failing to attend each battalion muster, five dollars—For failing to attend a court of appeals, ten dollars—For failing to attend when ordered on a court martial, or court of enquiry, ten dollars—For failing to attend the regimental drill muster, ten dollars per day—For failing to settle with the paymaster of his regiment, one hundred dollars—For failing to uniform and equip himself according to law, twenty dollars.

MAJORS—On every major, for failing to attend a board of officers to fill vacancies, five dollars—For failing to make his annual battalion return, twenty dollars—For failing to appoint the place of mustering his battalion, or places of holding the regimental muster and court of assessment, fifteen dollars—For failing to give notices of regimental and battalion musters, fifteen dollars—For failing to attend and exercise his battalion, at his battalion muster, ten dollars—For failing to attend a regimental muster, ten dollars—For failing to attend the court of appeals, ten dollars—For failing to attend when ordered on any court martial, or court of enquiry, ten dollars—For failing to attend the regimental drill muster, per day, eight dollars—For failing to settle with the paymaster of his regiment, seventy five dollars—For failing to uniform and equip himself according to law, fifteen dollars.

CAPTAINS—On every captain and commandant of a company, for failing to attend a board of officers to fill vacancies, five dollars—For failing to make his annual company re-

turn, ten dollars—For failing to give notice to his sergeants, of the time and place of holding regimental and battalion musters, and courts of assessments, ten dollars—For failing to appoint the time and place of holding company musters, and giving notice thereof, ten dollars—For failing to attend any regimental, battalion, company, or drill muster, five dollars per day—For failing to attend the court of assessment, five dollars per day—For failing to attend when ordered on any courts martial, or court of enquiry, five dollars—For failing to enrol and class his company, ten dollars—For failing to make a return of delinquents to the annual court of assessment, ten dollars—For failing to appoint sergeants in his company, five dollars—For failing to make a declaration of the delinquents of his company, about to be returned to the court of assessment, five dollars—For failing to uniform and equip himself according to law, ten dollars—For failing to make a declaration at his April muster, of all the delinquents of his company, fined at the preceding regimental court of assessment, five dollars.

LIEUTENANTS, ENSIGNS AND CORNETS—On every lieutenant, ensign or cornet, for failing to attend any regimental, battalion, company, or drill muster, four dollars per day—For failing to attend a court of assessment, when necessary, four dollars per day—For failing to attend when ordered on any court martial, or court of enquiry, four dollars—For failing to uniform and equip himself according to law, five dollars.

SERGEANTS—On every sergeant, for failing to attend any muster, any sum not more

than three dollars, nor less than one dollar per day, when appointed and duly notified thereof—For refusing to serve, or any neglect duty, in the time or manner of giving notices of musters and courts of assessment, any sum not more than three dollars, nor less than one dollar—For appearing at any muster and failing to parade, or refusing to obey the orders of his commanding officer, any sum not less than two dollars, nor more than four dollars—For appearing on parade at any muster, without being armed according to law, any sum not exceeding fifty cents, unless it shall appear such sergeant is unable to purchase arms—For failing to return on oath to his captain when required, a list of persons notified by him to attend musters, any sum not more than four dollars, nor less than two dollars.

CORPORALS—On every corporal, for failing to attend any muster, not more than three dollars, nor less than one dollar per day—For appearing at any muster and failing to parade, or refusing to obey the orders of his commanding officer, any sum not less than two dollars, nor more than four dollars—For appearing on parade at any muster, without being armed according to law, any sum not exceeding fifty cents; unless it shall appear such corporal is unable to purchase arms.

MUSICIANS—On every musician, for failing to attend any muster, any sum not less than one, nor more than three dollars per day.

PRIVATES—On every private, for failing to appear and do duty at every muster, for each and every offence, any sum not less than one dollar, nor more than three dollars—For appearing at any muster and failing to parade,

or refusing to obey the orders of his officer, any sum not less than two dollars, or more than four dollars—For appearing on parade at any muster, without being armed according to law, any sum not exceeding fifty cents; unless it shall appear such private is unable to purchase arms, without injuring his family, which fact shall be ascertained by the court of assessment.

AID-DE-CAMP—On every aid-de-camp, for failing to uniform and equip himself according to law, fifteen dollars—For any neglect of duty enjoined by law, for each offence, fifteen dollars.

BRIGADE INSPECTORS—On every brigade inspector, for failing to uniform and equip himself according to law, fifteen dollars. For any neglect of duty enjoined by law, for each offence, fifteen dollars.

ADJUTANT—On every adjutant, for failing to uniform and equip himself according to law, five dollars—For any neglect of duty enjoined by law, for each offence, five dollars.

PAYMASTER—On every paymaster, for failing to uniform and equip himself according to law, five dollars—For failing to enter into bond for the faithful discharge of the duties of his office agreeably to the provisions of this act, within sixth months from the passage thereof, any sum not exceeding fifty dollars. For failing to settle with the sheriff or field officers annually, in the months herein directed, for each and every neglect, any sum not more than one hundred dollars, nor less than fifty dollars—For each and every neglect of duty not herein otherwise provided for, five dollars.

SURGEON—For any neglect of duty enjoined by law, for each offence, five dollars—

For failing to attend court martial for the examination of invalids, five dollars.

QUARTER MASTER—On every quarter master, for failing to uniform and equip himself according to law five dollars—For any neglect of duty enjoined by law, for each offence, five dollars.

SERGEANT MAJOR—On every sergeant major, for any neglect of duty enjoined by law, for each offence, four dollars.

JUDGE-ADVOCATE—On every judge advocate, for any neglect of duty enjoined by law, not herein otherwise provided for, for each offence, five dollars.

REGIMENTS OF CAVALRY.

Sec. 87. That when it shall appear to the governor, either by returns made to the adjutant general's office, or the certificate of the commanding officer of a division; that there are within the bounds of his command, four or more troops of cavalry, the governor shall, at his discretion, organize the same into a regiment; and appoint a colonel to command each regiment thus organized; and a major to command each battalion thereof, as other field officers are appointed.

Sec. 88. That the governor upon organizing any regiment of cavalry, shall designate the brigade to which such regiment shall be attached.

Sec. 89. That all annual returns of the strength, arms and equipage of any regiment, battalion, or troop of cavalry, thus organized, shall be made at the same times that those of a similar nature are, by this act required to be made by officers of the same rank, in regiments of infantry of the line.

Sec. 90. That it shall be the duty of the colonel of each regiment of cavalry, as well as the staff officers thereof, to attend their regimental and battalion musters; and perform the like duties required by this act, of the same grade of officers in the line of infantry.

Sec. 91. That each commanding officer of a regiment of cavalry, shall convene their regiment, once in each and every year, at such time in the month of October, as the commanding officer of the brigade, to which his regiment is attached shall appoint; where his regiment shall continue for two days in succession, to perform such evolutions and exercise as he may direct.

Sec. 92 That each major of cavalry, shall convene their battalions, once in each year, at such time in the month of May, as the commanding officer of the brigade, to which his regiment is attached, shall direct; where his battalion shall continue for two days in succession, to perform such evolutions and exercise, as he may deem proper to order.

Sec. 93. That the captains of each troop, forming a part of any regiment of cavalry, shall convene their companies twice in each year, viz. Once in the month of April, and once in the month of June, where he shall exercise and train his company, at least three hours on each day.

Sec 94. That there shall be held annually for each battalion, of any regiment of cavalry, a court for the assessment of fines; who shall assemble at the same time, have the same powers, and be governed by the same regulations, that regimental infantry courts of assessment are, under the provisions of this act. *Provided,*

however, that at least one captain, and three other commissioned officers thereof shall be present.

Sec. 95. That appeals may be had from the battalion courts of assessment of cavalry, to the field officers of their regiment; who shall meet at the same time, and have the same powers, and be governed by the same regulations, that regimental infantry courts of appeal are herein directed.

Sec. 96. That all fines assessed by any court of assessment, or court martial, in any regiment of cavalry, shall be applied to the use of such regiment, and in the same manner that similar fines assessed by a regimental infantry court, are herein appropriated.

Sec. 97. That it shall be the duty of every judge advocate of a battalion court of assessment, (for cavalry) in making out the lists of fines, assessed by his court, to make separate lists of all fines assessed on delinquents, in each company, within the bounds of their battalion; in order that the proper officer, may place the same in the hands of the sheriffs of such counties respectively for collection.

Sec. 98. That all vacancies in a troop of cavalry, belonging to any such regiment, shall be filled as in regiments of the line; and where any new troop may be arranged and raised, within the bounds of a regiment of cavalry, the officers thereof shall be appointed in like manner.

Sec. 99. That all the duties required by this act, of any commissioned, or non commissioned officer, musician and private of regiments of infantry of the line, shall be performed by the commissioned and non commis-

sioned officers, musicians and privates of the like grade, in regiments of cavalry, under the same fines and penalties. *Provided*, that there shall not be any drill muster of the officers of a regiment of cavalry.

Sec. 100. That the paymaster of each regiment of cavalry, shall have power to call on, settle with, and receive from the several paymasters of the regiments of the line, from which such regiment of cavalry shall have been formed, for any monies in their hands, belonging to any troop of cavalry of his regiment; who shall severally pay over all such sums of money in their hands.

Sec. 101. That the commanding officer of each brigade, to which any regiment of cavalry shall have been attached, shall, at the same time he issues his orders to the other commandants of regiments, within his brigade, issue to the colonel of such regiment of cavalry like orders.

Sec. 102. That all powers given by this act to any officer of a regiment of infantry of the line, shall and may, be exercised by officers of the same grade in regiments of cavalry.

Sec. 103. That all commissioned and non-commissioned officers, musicians and privates of each regiment of cavalry, shall be fined for each day they fail to muster, the same sum that is inflicted by this act, on those of a like grade in regiments of infantry of the line.

Sec. 104 Within six months after the passage of this act, the field officers of each regiment, shall furnish the adjutant with a copy of the bounds of the battalions and companies, who shall keep a record thereof; and also of all other modifications or boundaries of new companies thereafter made.

Sec. 105. *Be it further enacted*, That when any man belonging to any society who hold a community of property, shall be fined by virtue of this act, and refuseth, or is not able to pay said fine, it shall be the duty of the sheriff or other proper officer, to call on the agent or superintender of the common stock or firm, of said society, or compact, for said fine or fines; and in case said agent shall refuse to pay the same, or be absent, it shall be the duty of the sheriff or officer aforesaid, to execute and sell so much property belonging to said stock, as shall be sufficient to satisfy said fine or fines, and costs.

CHAPTER CCXCVIII.

AN ACT authorising the publication of advertisements in The American Statesman—The Western Courier—The Bardstown Repository, and the Telegraph.

APPROVED, 16th December, 1811.

BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful to insert and publish, in 'The American Statesman,' printed in Lexington—'The Western Courier,' printed in Louisville—'The Bardstown Repository,' published in Bardstown; and 'The Telegraph,' printed in Georgetown, (all in this state) any, and all advertisements, which are required and authorised by law to be published in any news-paper in the state of Kentucky; and the editors of said papers, shall be governed by the same rules, and entitled to the same fees, as other printers in this common-

wealth. *Provided*, that nothing herein contained, shall be so construed as to authorise the insertion in the said papers, of such advertisements, as are required by law to be published in the paper of the public printer.

CHAPTER CCXCIX.

AN ACT respecting County Courts.

APPROVED, January 1st, 1812.

BE *it enacted by the General Assembly*, That each county court of this commonwealth, may at the time of laying their levies, provide for the purchase of one set of Littell's laws of Kentucky, for the use of such court. Littell's laws of Kentucky to be provided.

Be it further enacted, That it shall be the duty of the clerks of the different county courts, to safely keep said books, and bring them into court at each term. The duty of clerks.

CHAPTER CCC.

AN ACT for the relief of William Stiggall.

APPROVED, January 1st, 1812.

WHEREAS, it is represented to the present General Assembly, that William Stiggall purchased an improvement made on a piece of vacant land, and has made other valuable improvements thereon, under an impression that a legal title thereto, could be procured by purchasing and entering thereon, a certificate authorising the removal of a claim for vacant land; and that he actually purchased such certificate, but has been prevented from securing a title under the same, owing to the Recital.

expiration of the time for entering under such certificate. *And whereas*, the said William Stiggall is desirous of procuring a title to the said land from the commonwealth, at a reasonable price; and it being deemed just, and reasonable that he should have this right of preemption, to secure a legal title to the said tract of land, at a price fixed by the legislature Wherefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*: That it shall be lawful for the said William Stiggall, to enter with the surveyor of the county where his said improvement lies, on or before the first day of June, the quantity of one hundred and fifty acres of land, to include his said improvements; and on or before the first day of December next, cause a survey of the same to be executed by the said surveyor, and recorded in his office; and upon returning said platt and certificate of survey to the Register's office of this commonwealth, on or before the first day of February 1813, and paying into the public treasury of this commonwealth, the sum of twenty dollars per hundred acres; the Register upon his filing the Auditor's quietus for the same, shall, and he is hereby directed, to issue to the said William Stiggall, the commonwealth's patent grant for the same as in other cases. *Provided, however*, that nothing herein contained, shall be construed, to divest or affect any other claim to the said land, founded upon any law heretofore enacted.

CHAPTER CCCI.

AN ACT for the benefit of Edward Graham.

APPROVED, 1st January, 1812.

WHEREAS, it is represented to the present General Assembly, that Stephen Thompson applied to the June term of the Warren county court in the year 1801, to obtain a certificate for one hundred and fifty acres of land, and filed his entry with the clerk of said county court, and obtained from the court a grant for said land; but the clerk in entering up the order, through mistake entered the order granting said Thompson two hundred acres, instead of one hundred and fifty; and that one Edward Graham purchased said claim of said Thompson, and has had one hundred and fifty acres surveyed and registered, as assignee of Stephen Thompson; and that said Edward Graham has had fifty acres surveyed adjoining to said one hundred and fifty, on part of a removed certificate, granted by the county court of Warren county, No. 708, as assignee of Ephraim Thompson; and that said Edward Graham has paid into the treasury the state price for two hundred acres, which has been credited by the auditor, to the claim granted by the county court of Warren to Stephen Thompson for two hundred acres, No. 44, instead of applying part of said payment to the fifty acres, part of the removed certificate of Edward Graham, assignee of Ephraim Thompson, No. 708, as designated by said Graham. For remedy whereof, Recital.

Sec. 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That the register of the land office is hereby

authorised and directed, on said Edward Graham producing to him the Auditor's quietus for the state price on a Warren county court certificate for two hundred acres, No. 44, in the name of Stephen Thompson, to issue a patent to said Edward Graham assignee of Stephen Thompson, on the claim for one hundred and fifty acres, No. 44; registered in his office in the same manner is if the county court had granted a certificate for said one hundred and fifty acres. And the Auditor of public accounts is hereby directed to credit the state price on the said fifty acres, part of the removed county court certificate, No. 708, and give said Edward Graham a quietus for the same. *Provided, however*, that nothing in this act contained, shall go to affect the right or rights, of any person or persons whatever.

CHAPTER CCCII.

AN ACT authorising and confirming the erection of certain Market-houses.

APPROVED January 1st, 1812.

Preamble.

WHEREAS it is represented to the present General Assembly, that the county court of Madison by their order, appropriated a part of the public square in the town of Richmond for erecting a market-house, and doubts have arisen as to their authority, so to appropriate: Therefore,

Orders of Madison county court appointing commissioners confirmed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the appropriation of said court, for the purposes of erecting a market-house in said town, be and is hereby confirmed; and the commissioners appointed under the authority

of said court, to superintend the erection of the market-house, shall have full power to carry into effect, the orders of said court appointing them, hereby confirming all the said court, and Robert Caldwell, Henry Batterton and William Kerley, the commissioners, have done under the order of said court.

Commissioners to carry into effect the orders of the court.

The acts of the commissioners confirmed.

Sec. 2 *Be it further enacted*, That the market house built by an order of the Logan county court on the public square in the town of Russellsville, be hereby legalized, any law to the contrary notwithstanding.

Proceedings of the Logan county court confirmed.

CHAPTER CCCIII.

AN ACT for the benefit of Andrew Parks.

APPROVED, January 1st, 1812.

Preamble.

WHEREAS, it is represented to the present General Assembly, that Andrew Parks is old, indigent, and infirm, and has spent the youth, and vigor of his life in the military service of his country, and has but little property for the support of a helpless family, except two hundred acres of third rate land, which he is unable to pay the state price for. Wherefore,

State price on a tract of land remitted to him.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the state price, as still remains due on a certificate No. 2773, for two hundred acres granted to said Andrew Parks, by virtue of an act of assembly, entitled "an act for encouraging and granting relief to settlers on the south of Green river" be, and the same is hereby remitted to the said Andrew Parks: and the register of the land office is hereby directed, to issue to the said Andrew Parks

Register to issue a patent to him.

Not to sell or dispose of the land, but to descend to his heirs

Patent not to give him a title in preference to a better or prior claim,

a patent for the aforesaid two hundred acres of land; which the said Parks shall not have it in his power to sell or dispose of, but shall pass to his lawful heirs; but the said grant shall not be so construed, as to give the said Parks a preference to any better or prior claim, which may hereafter appear.

CHAP. CCCIV.

AN ACT to alter the time of holding the chancery term in the circuit of Montgomery.

APPROVED, January 1st, 1812.

Sec. 1. BE *it enacted by the General Assembly of the Commonweal'h of Kentucky*, That the chancery term for the circuit of Montgomery, shall be holden on the fourth Monday in February, in each year; and shall continue twelve judicial days, unless the business of said court shall be sooner completed. *Provided, however*, that the county court may sit as heretofore, any thing in this act to the contrary notwithstanding.

When to commence.

Sec. 2. *Be it further enacted*, That all process made returnable to the January term heretofore allowed, shall be considered as returnable to the said February term. And so much of any act as comes within the purview of this act, shall be, and the same is hereby repealed.

Regulations respecting return of process.

Repealing clause.

CHAP. CCCV.

AN ACT, to amend the act, authorising a lottery for the improvement of the navigation of the Kentucky river.

APPROVED, January 1st, 1812.

Preamble.

WHEREAS, the commissioners appointed by the act authorising a lotte-

ry for the improvement of the Kentucky river, failed to meet at the time they were authorised so to do. Wherefore, for remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following persons, to wit: Green Clay, John Jackson, Robert Burnside, William N. Lane, Jepthath Dudley, Stephen Trigg, Samuel M'Coun, Charles Wilkins, Lewis Sanders, John Hanna and Beverly Broadus, be, and they are hereby appointed commissioners, to carry into effect the above recited act; who, or a majority of them, are hereby authorised to meet in the town of Lexington, at the Kentucky hotel, on the fourth Monday in May next, or as soon thereafter as can be, and then and there, make such orders and regulations as may be necessary; and appoint their future meetings at such time and place, as a majority of them may deem expedient.

Commissioners appointed to carry the act into effect

Their powers and authority

Sec. 2. That the farther time of three years from the passage of this act, is hereby given for completing the drawing of said lottery; and the said commissioners shall be entitled to two dollars per day, for every day they may necessarily be engaged in attending to the arrangements of said lottery, and completing the improvements contemplated in said above recited act. *Provided*, the said expences does not exceed five hundred dollars, to be drawn out of the clear proceeds of said lottery.

Time given to complete the drawing of the lottery

Compensation to commissioners.

Proviso.

Sec. 3. *Be it further enacted*, That each commissioner shall be liable for the amount of money, which he shall sell tickets for, in case said lottery is not drawn within the time limited by this act, or if drawn, for the amount of tickets, which he shall have actually sold, and no more.

Commissioners to be liable in a certain event for certain monies.

CHAP. CCCVI.

AN ACT for the relief of Shemi Watson and James M'Coun.

APPROVED, January 6th, 1812.

Preamble.

WHEREAS, it appears to the present General Assembly, that Shemi Watson of Livingston county, is an object of charity, owing to his indigence and unsoundness of mind, he having been legally found a lunatic by inquest for that purpose; and having obtained a certificate from the county court of Livingston, for four hundred acres of land, No. 80, and is unable to pay for the same. Therefore,

State price remitted on a tract of land.

Register to issue a patent.

Not to be disposed of, but to descend to his heirs or revert to the commonwealth for want of heirs.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the state price on the aforesaid tract of land as yet remains due, be, and the same is hereby remitted to the said Shemi Watson; and the register of the land office is hereby directed, to issue to the said Watson a patent for the aforesaid tract of land; which tract of land shall not in any manner or way, be disposed of by the said Shemi Watson or his wife, but shall descend to their heirs at their death, or for want of heirs, revert to the commonwealth.

State price on a tract of land remitted, & a patent directed to be issued for the same.

Sec. 2. *Be it further enacted by the authority aforesaid*, That so much of the state price as is now due, or to become due, on a certain two hundred acre tract of land lying in the county of Logan, and granted to James M'Coun by a commissioners certificate, No. 3053. be, and the same is hereby remitted to the said M'Coun; and the register of the land office is hereby directed, to issue to the said

M'Coun a patent for the aforesaid tract of land.

CHAP. CCCVII.

AN ACT concerning the Kentucky Seminary.

APPROVED, January 6th, 1812.

WHEREAS, it is represented to the present General Assembly, that the clerk to the board of trustees of the Kentucky seminary is dead, and that the records and papers respecting the proceedings of the said board, cannot be found among the papers of the said deceased clerk, in consequence whereof, it is not ascertainable, who are the trustees of the said seminary. For remedy whereof, Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Brown, Daniel Weisiger, William Hunter, Achilles Sneed, James Blair, William Trigg and Christopher Greenup and their successors, be appointed trustess to the said seminary; who shall be, and are hereby appointed a body politic and corporate, by the name, style, and designation of the trustees of the Kentucky seminary, and shall have full power and authority to do, and perform such duties, and such acts as the laws now in force respecting the said seminary will, and do warrant and authorize; and that they may also sue and be sued, plead, and be impleaded, either at law or equity; and who shall also be subject to such rules and regulations, as are directed by the laws now in force respecting the said seminary. Trustees appointed. Their powers and authority

CHAPTER CCCVIII.

AN ACT for the regulation of certain towns in this Commonwealth.

APPROVED, January 5th, 1812.

WHEREAS, it is represented to the present General Assembly, that there has been no special law passed heretofore for the regulation of the town of Greenville in Muhlenburg county; the town of Henderson in Henderson county; Bowling Green in Warren county; Eddyville in Caldwell county; Barboursville in Knox county; Madisonville in Hopkins county; Burkesville in Cumberland county; Morganfield in Union county, and Summerset in Pulaski county; and that it is necessary some special law be passed for that purpose.

Names of towns

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky.* That the free male inhabitants of the said towns respectively, who shall possess the qualifications herein after mentioned, are hereby authorised and required to meet at the court house in said towns, on the first Saturday of May, 1812, and on the same day in every year thereafter, and shall elect five trustees for said towns; which said trustees so elected, or a majority thereof, shall be sufficient to form a board, and shall be authorised to make any bye laws for the government and regulation of said towns, as to them may seem right, not inconsistent with the constitution and laws of this commonwealth.

Who to vote for trustees

When.

No. of trustees.

Bye laws.

Sec. 2. *Be it further enacted*, That the said trustees, or a majority of them, shall have

full power and authority to impose a tax annually on the persons and property, both real and personal, within the limits of said towns, not exceeding sixty dollars per year as to them shall seem right, for the purpose of keeping in repair the public streets, springs, &c. of said towns; or for any other purposes which the said trustees or a majority of them, shall think proper for the benefit of said towns. May impose a tax. How appropriated.

Sec. 3. *Be it further enacted*, That the said trustees shall appoint their clerks, and any other officers they may think proper; and the said trustees shall have full power, or a majority of them, to inflict a fine, not exceeding ten dollars, for every breach of their bye-laws; to be sued for and recovered in their name before any justice of the peace, and applied to the use of said towns. To appoint a clerk. Impose fines. How recovered.

Sec. 4. *Be it further enacted*, That no person shall be elected a trustee of said towns, or qualified to act as such, unless he reside within the limits of said towns, and be above the age of twenty one years. Qualifications of trustees & voters.

Sec. 5. *Be it further enacted*, That no person shall be qualified to vote at the general election for trustees for said towns, unless they reside in said towns, or own real property therein, and be above the age of eighteen years. Further qualifications.

Sec. 6. *Be it further enacted*, That the board of trustees for said towns, may at any time they may think proper, appoint some fit person, who shall reside in said towns, as a commissioner, for the purpose of obtaining in such manner as the board may think proper, a list of all such persons and property, as may be subject to taxation by this act in said towns; whose duty it shall be, to proceed to Commissioners of tax. Their duty.

obtain such list, and shall return the same to the said board, in such time, and in such manner, as the said board shall direct; for the purpose of enabling said trustees to apportion the tax on said towns. The said commissioner shall be allowed such sum per day, as the trustees may deem right, to be paid out of the money to be collected as taxes.

Pay.

Collectors of tax.

Duty

Sec. 7. *Be it further enacted*, That after the said trustees have laid, and apportioned the taxes under this act, they shall appoint a collector thereof, whose duty it shall be to collect and account for the same to the trustees, within two months after he shall have been furnished with a list of said taxes. And if any person shall fail or refuse to pay the same, the said collector shall make distress and sale of property in the same manner, as collectors of revenue are directed to do; and the said collector shall pay the money so collected, to the trustees of said towns; and the said collector shall be allowed six per centum on all monies, which he shall have to distrain for, and such compensation for the collection of other taxes, as the said trustees may think proper, to be paid out of said taxes.

Delinquents how proceeded against.

Collector's pay.

Collector to give bond

and take an oath.

Sec. 8. *Be it further enacted*, That the collector shall give bond with security to the said trustees for the due performance of his office, and shall also take the following oath, to wit: "I do solemnly swear or affirm, (as the case may be) that I will faithfully and truly collect all taxes put into my hands for collection, by the trustees for the town of which I am appointed collector, within my power, and will pay all money so collected, to said trustees according to law—so help me God." Which said oath, either of the trustees are authorised to administer.

by whom administered.

Sec. 9. *Be it further enacted*, That in case the said collector shall fail to pay the money collected by him to the trustees as aforesaid, they may, upon giving him ten days previous notice in writing, recover judgment against the said collector and his security, in the county court; ten days notice being first given of said motion. Delinquent collectors how proceeded against

Sec. 10. *Be it further enacted*, That in case a vacancy shall happen in the said board of trustees by death, resignation, or otherwise, between the general election for trustees for said towns; the remaining trustees, or a majority of them, shall meet at the court house in said towns as soon as convenient, and supply such vacancy; which said trustee or trustees so appointed, shall possess the same power and qualification as those elected at the general election, and shall continue in office until the next general election for trustees and no longer. Vacancies in board, how filled.

Sec. 11. *Be it further enacted*, That the said trustees after they are elected, shall meet at the court house in said towns, on the first Saturday in February, May, August, and November annually, and at such other times as they may think proper in every year, as the internal policy of said towns may require. And the trustees elected in pursuance of this act, shall continue for, and during the term of one year from the time of their election. Trustees when to meet

continuance in office

Sec. 12. *Be it further enacted*, That the said trustees, at some one of their meetings in every year, shall make such allowance to their clerk as they may think proper, to be paid out of any money collected in pursuance of this act. allowance to clerk.

Sec. 13. *Be it further enacted*, That the said clerks shall take an oath before they enter clerk to take oath

upon the duties of their office, to carefully keep and preserve the books and all papers confided to them by said trustees, and to make true and correct entries of all by-laws passed by said trustees; which said oath shall be administered by the president of the board.

oath of trustees

Sec. 14. *Be it further enacted*, That the said trustees shall severally take an oath before they enter upon the duties of their office, well and truly to perform the duties enjoined upon them as trustees; which said oath shall be administered to them by some justice of the peace, and recorded by the clerks of said trustees.

by whom administered.

Penalty on trustees failing to attend

Sec. 15. *Be it further enacted*, That every trustee who shall fail to attend said meetings, without a reasonable excuse, shall forfeit and pay for every failure two dollars, to be applied to the use of said towns; which said excuse shall be adjudged of by the remainder of the trustees, or a majority of them; and in case a fine should be imposed, and the said trustees shall fail or refuse to pay it to the collectors when demanded, it shall and may be lawful for the remaining trustees, to sue for and recover the same before a justice of the peace.

how recovered

First elections by whom to be held

Sec. 16. *Be it further enacted*, That the first election shall be held by some two justices of the peace of the town or county; which said justices shall be nominated by the county court; and every other general election shall be held in like manner.

In what case former trustees to continue in office

Sec. 17. *And be it further enacted*, That in case the said qualified voters or justices shall fail to meet as aforesaid, after the first general election, the former trustees shall continue in office, until the next general election to be held for trustees.

CHAPTER CCCIX.

AN ACT for the relief of David Meek.

APPROVED January 13, 1812.

WHEREAS it is represented to the General Assembly, That David Meek obtained of the county court of Pulaski, a certificate No. 141, for one hundred and twenty-two and one half acres of land, and has registered and paid one instalment on the same;—and whereas it is also represented, that said Meek has been a cripple from his infancy, whereby he has been rendered incapable of walking to this time and it is further represented, that said Meek is in very indigent circumstances, and has a wife and several children in a helpless situation; therefore,

Sec. 1. *BE it enacted by the general assembly of the commonwealth of Kentucky*, That the residue of the price due this commonwealth upon said claim, No. 141, is remitted: and that the register of the land office be directed to issue a patent to the said Meek for the said claim.

Sec. 2. *Be it further enacted*, That the passage of this act, shall not give the claim of said David Meek, any superiority and preference, to any adverse claim or claims which may interfere with the same.

CHAP. CCCX.

AN ACT for the relief of Charles Blakely.

APPROVED January 13th, 1812.

WHEREAS it appears to the present General Assembly, that Charles Blakely is an object of charity, owing to his indigence and decrepitude; and having obtained from the Knox

Preamble

circuit court, a certificate for one hundred and twenty-four acres of land, lying in that tract of country acquired by the treaty of Tellico, and is unable to pay for the same: therefore,

Sec. 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That the state price on the aforesaid tract of land, be, and the same is hereby remitted to the said Charles Blakely; and the register of the land office is hereby directed to issue to the said Charles Blakely, a patent for the aforesaid tract of land; which tract of land, shall not in any manner be disposed of during the life of the said Charles Blakely; but the same shall remain in the possession of his wife and children for their use and benefit.

The state price on a tract of land remitted to him.

Register to issue a patent

land how to be disposed of.

CHAPTER CCCXI.

AN ACT *for the relief of Thomas Randolph & Robert Porter.*

APPROVED January 18th, 1812.

Preamble.

WHEREAS it is represented to this present general assembly, that Thomas Randolph hath paid into the treasury of this commonwealth, the state price for two hundred acres of land in Muhlenburg county, and obtained a patent therefor, on a certificate granted by the court of commissioners in 1798, to James Edmonson, No. 3794, and the said 200 acres of land having been taken from him by a prior claim, he, said Randolph, applied to the county court of Muhlenburg under the act of assembly in that case made and provided, and obtained a certificate to the auditor of public accounts, stating the same had been taken by a prior claim, calculating that a warrant would issue

to him for the payment of other lands; but upon the examination of the auditor and treasurer's office, he finds no credit given for the payment thereof—therefore,

BE it enacted by the general assembly of the commonwealth of Kentucky, That the auditor of public accounts be, and he is hereby directed, to issue a warrant to the said Randolph, subject to the payment of other vacant lands as aforesaid, for the amount so by him paid, upon his filing with the register the patent so issued. Thomas Randolph.

And whereas Robert Porter, former sheriff of Madison county, from unavoidable accidents, was prevented from getting a credit for his delinquents, on a list sent to him for collection by the auditor in the year 1808; and was compelled to pay the whole amount to the treasurer without any deduction for delinquents—therefore, Preamble.

Be it enacted by the general assembly for the commonwealth of Kentucky, That the auditor is hereby authorised and directed, to receive the said list of delinquents, certified as the law directs; and grant the said Porter a warrant on the treasurer for fourteen dollars 38 cents, being the amount of said list. Robert Porter.

CHAP. CCCXII.

AN ACT to amend the act entitled an act to incorporate the Frankfort Bridge Company.

Approved, January 18, 1812.

Sec. 1. BE it enacted by the general assembly of the commonwealth of Kentucky, That the sixteenth section of the act entitled "an act to incorporate the Frankfort bridge company," approved January the 25th, 1810, be, and the same is hereby repealed; and the said bridge company be allowed until the Further time given to complete the bridge.

1st day of February, 1816, to erect and complete the said bridge.

If not completed by a certain day the privileges granted, to become forfeited.

Sec. 2. *And be it further enacted*, That if the said bridge shall not be completed by the said first day of February, 1816; or if it should at any time thereafter, remain for two years together, so much out of repair, as to be unsafe for travelling, then, and in that case, all the privileges and immunities by this act granted to the said company, shall cease, determine and become forfeited.

CHAPTER CCCXIII.

AN ACT allowing an additional term to the Harrison Circuit Court, for the trial of chancery causes.

APPROVED, January 18th, 1812.

Commencement of term

Sec. 1. BE *it enacted by the General Assembly of the commonwealth of Kentucky*, That the circuit court of Harrison may, and shall hold an additional term, to commence on the second Monday in March in every year, and continue twelve juridical days, unless the business shall be sooner completed.

jurisdiction

Sec 2 *Be it farther enacted*, That no grand jury shall be summoned at the said March term, nor shall any pleas of the commonwealth, or any action or motion at common law whatever, be tried: but the said term shall be, and is hereby exclusively appropriated to the trial of cases and matters in chancery.

effect of their proceedings.

Sec. 3. *Be farther enacted*, That all decrees and orders, whether interlocutory or final, made at the said March term, shall be as valid as if made at the other terms of said court; and that all process in chancery, which may now be sued out, and made returnable to any term of said court, or any day of such term, may be

sued out, and made returnable to the said March term, or any day thereof.

Sec. 4 *Be it farther enacted*, That nothing in this act shall be construed, to prevent the trial of any cause in chancery, at any of the ordinary terms of said court; but that the same may be taken up and tried at any of said terms as if this act had not passed. Jurisdiction of the ordinary terms retained.

CHAPTER CCCXIV.

AN ACT for the benefit of William F. Simrall's heirs.

APPROVED, January 18th, 1812.

WHEREAS, it is represented to the present General Assembly, that William F. Simrall late of Jefferson county, departed this life intestate, claiming by purchase of Jacob Hikes a moiety of a tract of land on Beargrass; upon which land a large sum of money has been expended in the erection of a paper mill, by said Simrall and Hikes in copartnership, and upon which, much larger sums must still be expended, before the mill can be made to yield a profit; and it appearing that the estate of the said intestate, will not be sufficient to enable the administrators to furnish such funds; and it appearing to be necessary for the benefit of the heirs of said Simrall, that the said moiety of said land purchased by said intestate, should be sold: therefore, Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Vance, Joseph Simrall and Abraham Hite, be, and they are hereby appointed commissioners, with full power and authority to sell the said moiety of land, for the Commissioners appointed to sell the land

The money how to be appropriated

best price which can be had, and to apply so much of the money arising from said sale as may be due said Hikes for the purchase, to the discharge of said debt; and the residue, or that portion of it, which shall remain after the paymant of the just debts of said intestate, shall be applied in the following manner: two-thirds thereof shall be d sposed of to the best advantage for the heirs by putting it out at interest; and the remaining third shall be applied in such manner, that the widow and relict of said Simrall may have the use thereof during her natural life; requiring sufficient securities that the said third part, shall be forthcoming to the heirs aforesaid at her death; which third part shall, at the death of the widow, be equally divided among the said heirs, and the remaining two thirds, shall be divided and distributed in like manner among the said heirs, upon their arrival at full age.

Commissioners to enter into bond with security for the faithful discharge of their duty,

How compensated for their services.

Sec. 2. *And be it further enacted*, That the said commissioners shall, before they enter upon the duties of their office, give bond with sufficient security to the county court of Jefferson, for the faithful discharge of the trust reposed in them by this act. And the court shall have power to make such allowance to said commissioners, as they may think reasonable for their services, out of the money arising from the aforesaid sale.

Commissioners to have power to convey the land.

Sec. 3. *And be it further enacted*, That the said commissioners shall have full power and authority, to transfer the title of said heirs to the moiety of the aforesaid land; and if the widow of said Simrall, should join in said transfer, it shall operate as a complete *divestiture* of her right of dower in said property;

and she shall be forever thereafter barred and precluded from setting up any claim thereto.

Sec. 4. *Be it further enacted*, That any two of the aforesaid commissioners, may do any act or acts, which the whole of them might by virtue of this law, and they shall be equally valid. *Provided*, that the said commissioners shall not proceed to sell the said moiety of land, unless the widow aforesaid agrees to relinquish her right of dower in said land, to the purchaser or purchasers.

Two commissioners may act, & their acts binding. Proviso.

CHAP. CCCXV.

AN ACT to athorise the town of Paris to erect a Market-House on the public square in said Town.

APPROVED, January 18th, 1812.

Sec. 1 BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Paris, in Bourbon county may, at any time hereafter, (a majority of the said trustees concurring,) cause a market house to be erected on the public square in said town, between the court-house and the south-western end of said public square; and extending lengthwise between high street and main street, as far as they may from time to time think necessary: *Provided*, that no part of said market house, or the railing around the same, shall be nearer than sixty-six feet to any part of the buildings fronting the south-western end of the said public square; and that it shall not exceed one story in height.

CHAPTER CCCXVI.

AN ACT for the benefit of George Anderson & Lewis Sanders.

APPROVED, January 18th, 1812.

Recital.

WHEREAS, it is appears to the present General Assembly, that Patrick M'Cullough, a native of Ireland, and a citizen of this commonwealth, died possessesed of a real estate therein, after having duly published his last will an testament; by which he devised said estate to be equally divided amongst his brothers and sisters and their heirs, citizens of the kingdom of Ireland: And whereas it also appears, that for the purpose of an equal division of said estate, a suit was commenced, and a decree pronounced, in the Fayette circuit court, causing a sale of the real estate of said decedant; which has been affected by commissioners, for a fair and valuable consideration, and that George Anderson and Lewis Sanders became the purchasers. And as it is conceived that the principle of escheat and forfeiture, is not congenial with the true policy and principles of our government, where the land to be effected thereby, is vested by regular proceeding of law in purchasers, for a valuable consideration, who are residents and citizens of this commonwealth:

Right of the commonwealth released.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That all the right, title, claim and interest, which the commonwealth hath, or might have, by escheat, forfeiture, or by office found thereon, or otherwise, in and to any part, or the whole, of the real estate of which the said Patrick M'Cul-

lough died seized and possessed; and which is now claimed and possessed by the devise, sale and decree aforesaid, by the said George Anderson and Lewis Sanders, shall be, and is hereby granted and vested in the said George Anderson and Lewis Sanders, and their heirs, as to their respective portions and parts thereof, which they have individually purchased: *Provided*, That the rights and claims of any individual or individuals; bodies politic or corporate, shall not be impaired thereby, if the same shall have accrued in any other right than by escheat or forfeiture to this commonwealth. Proviso.

CHAP. CCCXVII.

AN ACT for the benefit of John Poague.

APPROVED, January 22d, 1812.

WHEREAS, it represented to the present General Assembly, that John Poague has discovered salt water on his improvement on the south side of Cumberland river, and that the said John Poague wishes to make an experiment in blowing and boring for salt water. Therefore, Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said John Poague may, for the purpose aforesaid, locate and survey any number of acres of waste and unappropriated land, not exceeding one thousand acres, to include said improvement, within twelve months from the passage of this act; for which the said Poague shall within six years, pay into the public treasury, at the rate of twenty dollars per hundred acres; and on his producing to the register the auditor's quietus for the full amount of Leave given him to locate and survey lands for certain purposes

To pay certain sums for the land—& when.

Register to issue a grant on certain conditions. Proviso.

the money, for the land so located and surveyed, the register shall issue his grant to him for the same. *Provided, however*, that the said Poague shall not include any actual settlement now made, although the same may not be legally appropriated. *And provided also*, that if the said Poague shall not find salt water of a quality, and in sufficient quantity to make it an object to commence the manufacturing of salt, or after having commenced, shall neglect for the space of one year, to carry on the business to the extent the quality and quantity of the water will justify; it shall be in the power of the legislature to vacate his grant, should one have issued, by re-paying to him the money he may have paid for the land—and it shall be so expressed in the grant.

Further proviso.

CHAPTER CCCXVIII.

AN ACT for the relief of William Pearl and William Smith.

APPROVED January 22d, 1812.

Preamble.

WHEREAS it has been represented to the present General Assembly, that William Pearl and William Smith, are the proprietors of a tract of land in Knox county, and that they conceive they have made a discovery of salt water on said tract of land; and that they are desirous of appropriating more land, adjoining said tract owned by them, for the purpose more effectually to enable them to manufacture salt: wherefore,

Authorised to survey certain quantity of land for that purpose

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said Pearl and Smith may, on or before the 1st day of October next, cause to be surveyed by

the surveyor of Knox county, any quantity of land, not exceeding one thousand acres, as near a square as the adjoining claims will permit, and to adjoin their present tract on the north and west. And that they do, on or before the first day of January next, return to the register's office, a platt and certificate of the survey; and by paying into the treasury of this commonwealth, within four years from the passage of this act, twenty dollars for each hundred acres of land contained in said survey, and producing the auditor's quietus to the register therefor, he shall issue a grant for said land, as in other cases.

to adjoin their present tract,

To return a platt, &c. to the register's office.

rate of payment.

Register to issue a grant.

Sec. 2. *Be it further enacted*, That nothing herein contained, shall authorise said Pearl and Smith, to survey any actual settlement, on any part of two hundred acres of land, to be laid off at the cardinal points, and to include such settlement in the centre; nor to affect any other claim of any description whatever.

Restrictions to the survey which they may make.

Sec. 3. *Be it further enacted*, That if the said William Pearl and William Smith, shall not within two years from the passage of this act, procure on their said land, salt-water of a quality, and in sufficient quantity, to induce them to commence manufacturing salt; or after having commenced, shall for the space of one year, neglect or discontinue the business, or fail to carry it on to the extent the quality and quantity of the water will justify; it shall and may be lawful, for this commonwealth to repay to them the sum they may have paid for the land, and vacate the grant, should one have issued; and the grant or grants that may issue, shall express the foregoing conditions.

Conditions imposed on them.

CHAPTER CCCXIX.

AN ACT to alter the terms of certain Circuit & County Courts.

APPROVED, January 22, 1812.

Sec. 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That the circuit court of Lincoln circuit, shall commence on the second Mondays in February and May, and the third Monday in August, annually; and the county courts for Lincoln county, shall commence on the second Mondays in every month, wherein no circuit court is directed to be holden.

Lincoln.

Sec. 2. *Be it further enacted*, That the circuit court of Rockcastle circuit, shall commence on the Thursdays preceding the first Mondays in April, July and October, annually.

Rockcastle.

Sec. 3. *Be it further enacted*, That the circuit court of Casey, shall commence on the fourth Mondays in May, August and November, annually; and county courts in said county of Casey, shall commence on the fourth Mondays in each other month.

Casey.

Sec. 4. *Be it further enacted*, That the county court of Rockcastle, shall commence on the fourth Mondays in each month annually: And the county court of Garrard, shall commence on the third Mondays in each month, whenever no circuit court is directed to be holden.

County court of Rockcastle Garrard.

Sec. 5. *Be it further enacted*, That the first section of this act, is not to be in force until the first day of May next.

Commencement.

Sec. 6. *Be it further enacted*, That the circuit court of Livingston county, shall commence on the third Monday in the months of March, June and September.

Livingston.

The circuit court of Caldwell county, on the

Caldwell.

fourth Mondays in the months of March, June and September.

The circuit court of Christian county, on the first Mondays in the months of April, July and October; and sit two weeks in the said county of Christian, if the business require it. Christian.

Sec. 7. *Be it further enacted*, That all writs or other process, made returnable to any court, the time of holding which is hereby changed, and all recognizances taken returnable to any such court, shall be considered as returnable to the court, as is hereby directed to be holden; and the same shall be acted on by said court, and considered as binding and valid, as though this act had not passed. Regulations respecting process.

Sec. 8. *Be further enacted*, That the term of the county court of Pulaski, held in the month of November, shall in future commence on the third Monday of said month. Pulaski.

Sec. 9. *Be it further enacted*, That from and after the last day of February, the county court for the county of Bath, shall commence on the second Monday in every month, except in those months in which the circuit courts are held. Bath.

CHAP. CCCXX.

AN ACT erecting election precincts in certain counties

APPROVED, January 22d, 1812.

Sec. 1. BE *it enacted by the General Assembly of the commonwealth of Kentucky*, That all that part of Livingston county, included in the following bounds, to wit: 'Beginning at the mouth of Hurricane creek, and up the same to its head, thence a direct course Livingston.

to the main road at major Cofield's, thence with said road to Centreville, thence with the Caldwell county line to Trade water, and down the same to the mouth, thence down the Ohio to the beginning; shall be, and the same is hereby erected into an election precinct in the said county of Livingston; and that the qualified voters in said precinct, shall meet at the house of William Powell in said precinct, for the purpose of voting.

Caldwell.

Sec. 2. *Be it further enacted*, That all that part of Caldwell county, included in the following bounds, to wit: Beginning at Cumberland river, opposite the mouth of Eddy creek, thence a straight line to the upper end of the seven mile Island in Tennessee river, thence to include all that part of Caldwell county, lying between the Cumberland and Tennessee rivers, and east of the line aforesaid; shall be, and the same is hereby erected into an election precinct in the said county of Caldwell, and that the elections in said precinct shall be held at the house of Samuel Duncan.

Breckenridge

Sec. 3. *Be it further enacted*, That all that part of the county of Breckenridge, included in the following bounds, to wit: Beginning at the mouth of Lead creek, thence with the line of May, Bannister, &co. to the house of Joseph Wright, and so as to include the same on Blackford's creek; thence down the same to the Ohio river, and up the same to the beginning; shall be, and the same is hereby erected into an election precinct, in the said county of Breckenridge—and that the qualified voters in the said precinct, shall meet at the house of Benjamin Blince within the said bounds, for the purpose of voting in all legal elections.

Sec. 4. *Be it further enacted*, That all

that part of Hopkins county included in the following bounds, to wit: Beginning where the road leading from the town of Henderson, and passing the residence of Simon Sugg to Christian court house, crosses the line dividing Henderson and Hopkins counties—thence with the said road to the house of Joseph Davis, thence with the road, leading towards Eddyville as far as Tradewater river, and down the same to the line of Union county, and with it to the line of Henderson county, and with that line to the beginning; shall be, and the same is hereby constituted an election precinct in the said county of Hopkins, and that the qualified voters within the said bounds, shall meet at the house of major William Stewart, for the purpose of voting in all their legal elections. Hopkins.

Sec. 5. *Be it further enacted*, That all that part of Cumberland county, included in the following bounds, to wit: Beginning on the summit of the dividing ridge, between Kettle and Sulpher creeks at the state line—thence with the ridge, so far as to intersect with the dividing ridge between Galloway's and Judio's creeks, and to strike Cumberland river at Taylor's ferry—thence down the river to the mouth of Mud Camp creek—thence up the same to the forks—thence up the North west fork of said creek (including the settlements thereon) to the head—thence to continue the general course of said creek to the county line—thence with the same Westwardly, and round to the beginning: shall be, and the same is hereby erected into an election precinct in said county of Cumberland—and that the qualified voters within the same, shall meet at the house of Hezekiah Jackson for the purpose of voting at their several elections in said precinct. Cumberland

Christian

Sec. 6. *Be it further enacted*, That all that part of Christian county, included within the following bounds, to wit: Beginning at John Wilking's on the Muhlenberg line, thence a straight line to Samuel Ellison's; thence a straight line to Benjamin Lacey's; thence to Joseph Meacham's; thence a straight line to James Fruit's; thence a due West course to the Barren fork of Tradewater; thence down the same to the Hopkins county line; thence with said line to the Muhlenburg county line, thence with said line to the beginning; shall be an election precinct, and called and known by the name of the northern precinct; and the elections shall be held in said precinct at the house of James Thompson.

Duty of courts and sheriffs

Sec. 7. *Be it further enacted*, That the county courts of Livingston, Caldwell, Breckenridge, Hopkins, Cumberland, Washington, Greenup, and Christian counties, shall at the time they appoint a clerk and judges, to preside at the elections, to be held at their respective court houses, to be held in said counties; also to appoint clerks and judges to preside at the elections to be held in the precincts, in their respective counties; and it shall be the duty of the sheriffs of the counties aforesaid, to attend by themselves or their deputies, and conduct the elections to be held in the precincts in their several counties; which elections shall be governed by the same rules and regulations as are now prescribed by law.

When and where polls to be compared.

Sec. 8. *Be it further enacted*, That the sheriffs who preside at the elections, held in the several precincts in the counties of Livingston, Caldwell, Breckenridge, Hopkins, Cumberland, Washington, Greenup and Christian, shall meet the sheriffs who preside at the elec-

tions held at their respective court houses in said counties, on the first Saturday succeeding the close of said elections, at the respective court houses in said counties, and compare the polls and make return agreeable to the constitution and laws of this state.

Sec. 9. *Be it further enacted*, That all that part of the county of Washington, included within the following bounds, to wit: Beginning at the N E. corner of Green county, and running North with the line of Casey county, to Mercer county line, and with said line to the dividing ridge between the Rolling fork and Chaplin forks of Salt river; thence with said ridge westwardly to where it intersects the Green river road, and with said road to Muldrough's hill, to where it intersects the Green county line; and with said line to the beginning; shall be, and the same is hereby erected into an election precinct in the said county of Washington; and that the qualified voters in said precinct, shall meet at the house of Robert Burnet. Washington

Sec. 10. *And be it further enacted*, That all that part of the county of Greenup, within the following boundary, to wit: Beginning at the mouth of Great Sandy, running with the state road to the crossing of the East fork of Little Sandy; thence up said fork to its source; thence a direct course to intersect the Floyd line; thence with said line to where it intersects the Virginia line; thence to the beginning; shall be an election precinct in the said county of Greenup, and the election shall be held at the house of Nimrod Canterberry. Greenup.

CHAPTER CCCXXI.

AN ACT for the relief of Caleb Hall & William Irvan.

APPROVED January 22, 1812.

Recital.

WHEREAS it is represented to the present General Assembly, That Caleb Hall as assignee of Barton Jones, did, on the 17th day of January, 1811, pay into the public treasury of this commonwealth, the full amount of the state price on certificate, number 3135, for two hundred acres of land, in Logan county, granted by virtue of an act of assembly entitled "an act for encouraging and granting relief to settlers south of Green river;" whereas it ought to have been paid on certificate number 3105, and as assignee of Sarah Harrison: for remedy whereof,

Auditor to alter his quietus.

Number of the certificate on his books.

Sec. 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That the auditor of public accounts is hereby directed to take back the said Hall's quietus granted as aforesaid, on certificate No. 3135; and issue a quietus to said Hall on said certificate No. 3105; and make a memorandum in his books, rectifying said mistake; and the treasurer is also required, to alter the number of said certificate in his books, so as to agree with the above alteration to be made by the auditor.

And the treasurer to do the same on his books to agree with the auditors.

Recital.

And whereas William Irvan, assignee of Morgan Forbis, returned to the register's office, a platt and certificate for 110 acres of land, situate in the county of Green, being part of a certificate granted by the commissioners No. 834 for 200 acres, and being part of a survey on the same certificate of 168 acres; and the register of the land office, received into his office

the said Irvan's survey of 110 acres; but on re-examination, was of an opinion that it would be improper to issue a grant for said land unless an order of the county court directing a re-survey; and the re-survey certified by the clerk of the court, was also returned, refused to issue a grant to said Irvan:—and it appearing to the satisfaction of the present legislature, that the whole amount of the state price for said tract, has been discharged; therefore,

Sec. 2. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That it shall and may be lawful for the register of the land office, to issue a grant to the said William Irvan for 110 acres; reserving, however, the right of all other persons, that may be affected by reason of issuing the grant without the order of the county court, and the re-survey accompanying the survey of the 110 acres.

Register to issue grant to Wm. Irvan.

restrictions of the grant.

CHAP. CCCXXII.

AN ACT for the benefit of the estate of William Chapline, deceased.

APPROVED January 24th, 1812.

WHEREAS William Chapline, late clerk of the Warren county and circuit courts, departed this life about the tenth day of January, 1811, without having charged his fees for services performed during the year preceding his death; wherefore,

Recital.

BE it enacted by the general assembly of the commonwealth of Kentucky, That it shall and may be lawful for the present clerk of said courts, upon the application of the administrator and administratrix of the estate of said Chapline deceased, to charge said fees for the services of said Chapline, deceased, and copy

clerk of Warren to issue fee bills of his predecessor.

the same; which, if put into the hands of proper officers for collection by the first day of May, 1812, may be distrained on, and accounted for, in the same manner, as if the same had been made out and placed in the hands of the proper officers for collection, within the time heretofore prescribed by law for similar services.

CHAPTER CCCXXIII.

AN ACT *for the benefit of William & Lapsley M Bride.*

APPROVED January 24th, 1812.

WHEREAS it appears to the present legislature, that by virtue of the provisions of an act of the Virginia assembly, passed at the October session, 1779. William M Bride, senr. was appointed a commissioner by the county court of Kentucky, to open a road from the Block-House, on the waters of Holstein, to the Crab-Orchard, in this state; and that previous to any compensation being made to him for cutting said road, he was killed at the battle of the Blue Licks, leaving two infant sons, William and Lapsley; who were unable, from various causes, to seek the redress contemplated in the above recited act until this time; and they now petition for such reasonable compensation as should have been made to their said father; and this legislature conceiving that it is just and right, that the commonwealth should make provision for the payment of the same; therefore,

Sec. 1. *Be it enacted by the general assembly of the commonwealth of Kentucky.* That it shall and may be lawful, for the register of the

Register.

land-office, and he is hereby directed to issue to the said William and Lapsley M'Bride, any number of warrants not exceeding four, at their election, to the amount of two thousand eight hundred acres of land: Which warrants the said William and Lapsley, are hereby authorised to locate, on any vacant and unappropriated land, with the surveyor of any county within the limits of this state; and having caused surveys to be made thereon, and returned to the register's office, shall be entitled to grants for the same as in other cases.

to issue warrants.

No. warrants.
No. of acres.

Sec. 2. *Be it farther enacted*, That it shall not be lawful for the said William and Lapsley, to locate said warrants upon any prior claim, located and surveyed under any law of this state or the state of Virginia, or to interfere with any actual settler whatever, with 400 acres around his improvement; but so far as any entry made on such warrants, interferes with any such claimants, it shall be to the extent of such interference void.

Restrictions

Sec. 3. *Be it farther enacted*, That in case it shall ever hereafter be discovered, that the said William and Lapsley or their father, has received a compensation for the services above recited, the legislature reserve to themselves the power of compelling the said William and Lapsley to pay for said lands, as other headright claims are now paid for.

Contingency on land shall revert.

Sec. 4. *Be it farther enacted*, That the said William and Lapsley, may cause any number of surveys to be made on such warrants, as they may think proper—*Provided*, no survey shall contain less than 200 acres, or be more than three times as long as wide. *Provided further*, that the land herein authorised to be located, shall be had as a satisfaction in full for

No. surveys,

and shape.

Tenure by which held.

the services of the decedant as aforesaid; and shall enure and pass to such heir or heirs, devisee or devisees, agreeable to the provisions of the will of the decedant.

CHAP. CCCXXIV.

AN ACT concerning Middletown & Versailles.

Approved, January 24, 1812.

Citizens of Middletown may elect trustees;

when;

their power and duty:

term of office

BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the persons having the qualifications prescribed by law, to vote for trustees for Middletown, in Jefferson county, to elect and choose on the first Monday in February next, five trustees; who shall have all the authority and powers vested in the trustees of said town by law; and shall also be subject to all the provisions and penalties prescribed by law—which trustees, when elected, shall continue in office until the Saturday preceding the first Monday in August next.

Trustees Versailles—when elected;—

their power & duty.

Sec. 2. *Be it further enacted*, That the election for trustees for the town of Versailles, shall hereafter be held on the first *Saturday* in May in every year: And the said trustees shall have power to raise, by a tax on the property in said town, any sum not exceeding two hundred dollars, in any manner they may think most equitable.

CHAP. CCCXXV.

AN ACT concerning the navigation of the South fork of Licking.

APPROVED, January 24th, 1812.

Sec. 1 BE *it enacted by the General Assembly of the Commonwealth of Ken-*

tucky, That the same indulgence be, and is hereby extended to those who may hereafter build mill-dams on the South and Stoner's forks of Licking, to erect locks and slopes in their dams, as is given to owners and occupyers of mills, that have been heretofore built on said streams, by an act entitled "an act concerning mill-dams on the South and Stoner's forks of Licking," approved December 17th, 1806.

Sec. 2. *Be it further enacted*, That the act passed at the last session, Approved January 18th, 1811, entitled "an act concerning the navigation of the South fork of Licking," be, and the same is hereby repealed.

CHAP. CCCXXVI.

AN ACT allowing an additional number of Justices of the Peace in certain counties in this commonwealth.

APPROVED, January 24th, 1812.

BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county of Floyd, shall be entitled to two justices of the peace; and the counties of Shelby, Butler, Adair, Clay and Jessamine, one justice of the peace each; the county of Christian, two justices of the peace; the county of Breckenridge one, who shall reside in the town of Hardinsburgh; the county of Harrison shall be entitled to one justice of the peace, who shall reside in the town of Cynthiana; the county of Clarke two, one of whom shall reside in the town of Winchester; and the county of Shelby one other justice of the peace, who shall reside in the town of Shelbyville, in addition to the number now allowed by law.

Floyd. Shelby, Butler, Adair Clay, Jessamine. Christian. Breckenridge Harrison. Clarke. Shelby.

CHAPTER CCCXXVII.

AN ACT concerning Bills of Exchange.

APPROVED, January 24th, 1812.

Sec. 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That all instruments of writing, to which by law the signature and seal of the notary public of any state, city, town, or corporation are required, when thus signed and sealed, shall be received as evidence, together with the certificate of the notary public, without any other or further authentication, in any matter of controversy, either in law or chancery, in any of the courts in this commonwealth.

Seal of notary public, a sufficient authentication of certain instruments of writing

CHAPTER CCCXXVIII.

AN ACT for the benefit of Mary Burke and others.

APPROVED January 24th, 1812.

WHEREAS, it doth appear to this present General Assembly, that Mary Burke of Nelson county, is in very indigent circumstances, with four small children entirely dependant on their mother's exertions for the necessaries of life; and it doth also appear that she has purchased a small improvement, on a piece of vacant land in said county, whereon she now lives; and prays that the legislature may pass a law, authorising her to take up said land for their benefit—Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the said Mary Burke, to locate and survey said waste and unappropriated land in Nelson county, (for her

Mary Burke may locate certain lands.

own use and benefit) any number of acres not exceeding one hundred; and upon her producing a platt and certificate from the surveyor of said county to the register, he is hereby directed to issue a patent for the same. No. of acres

Sec. 2. *Be it further enacted by the authority aforesaid*, That the grant hereby made, shall have no priority over any other previous grant or grants—which land shall, after her death, pass to her heirs, and no others. Restrictions of the grant.

Sec. 3. *Be it further enacted*, That it shall and may be lawful, for Francis Cunningham to locate with the surveyor of Mercer county, a tract of vacant land not exceeding fifty acres, adjoining the tract of land upon which the said Cunningham now resides, and bounded as follows, to wit: Beginning at a hickory tree in John Maccoun's line, and corner to said Cunningham—thence North sixty five degrees—East thirty seven poles to a white oak and red elm, corner to said Maccoun—thence North ten degrees—West forty poles to two white oaks and red oak—thence north thirty three degrees—West one hundred and fifty poles, crossing a branch to a cherry, sugar, and elm trees—thence south sixty five dgrees—West thirty six poles to a Walnut tree, corner to said Cunningham—thence with his line, South twenty five degrees—East one hundred and ninety poles to the beginning. F. Cunningham may locate certain lands.

Sec. 4. *Be it further enacted*, That the said Francis Cunningham shall cause a survey to be executed including the boundaries aforesaid, and return the same to the register's office, on or before the first day of January, 1813; and upon his producing to the register the auditor's quietus, that he has paid at the rate of twenty dollars per hundred acres for to execute a survey— rate per hundred.

said land, he shall be entitled to a grant for the same as in other cases.

Sec. 5. *Be it further enacted*, That the said Francis Cunningham shall pay the full amount of the state price upon said land, within one year from the passage of this act, or the same shall revert to the state, and be subject to the disposal of the legislature as other vacant lands. *Provided*, that nothing herein contained shall give the said Cunningham any priority or advantage, over any grant or survey previously executed under any laws of Virginia or this commonwealth.

Proviso.

Sec. 6. *Be it further enacted*, That the balance of the state price due the commonwealth on two hundred acres of land in Livingston county, whereon James Dilliard resided at the time of his death, be, and the same is hereby remitted to the heirs of the said James Dilliard; and the register is hereby directed to issue a grant to said heirs; which land shall not be sold, or in any wise disposed of, until said heirs come of age.

J. Dilliard state price remitted on his land.

CHAPTER CCCXXIX.

AN ACT to alter the time of holding the Jefferson circuit court.

APPROVED, January 24th, 1812.

BE *it enacted by the general assembly of the commonwealth of Kentucky*, That hereafter the circuit courts for the county of Jefferson, shall be holden on the third Monday in the month of April, and second Monday in July and November, in each year;—and shall continue at each term eighteen juridical days, if necessary: And the additional term heretofore allowed to the said circuit court, for the dis-

When to be held,

how long to continue—

patch of chancery business, shall commence in the first Monday in February in each year; and continue twenty-four juridical days if necessary.

when addition al term to be held, and how long.

Sec. 2. *Be it further enacted*, That all writs, recognizances, and process of every description which have been, or shall be sued out, or entered into before the April term of said court, returnable to the February term, as heretofore required by law, shall be returnable and returned to the said April term; and all notices and motions to the said February term, shall be acted on at the said April term. And there shall be no discontinuance of any suit, writ, process or motion depending, or to be made, or issued in the said courts or either of them, by reason of the changes made by this act in the times of holding said courts. And the county courts of said county, shall commence on the second Monday in every month, except those in which the circuit courts are directed to be held.

Return of process.

when county courts held.

Sec. 2. *Be it further enacted*, That the said circuit court of Jefferson, at their chancery term in February, shall, and may do and transact, any common law business which does not require the intervention of a jury.

Common law business may be done where a jury is not required.

All acts and parts of acts, contrary to the provisions of this act, shall be, and the same are hereby repealed.

Repealing clause.

CHAPTER CCCXXX.

AN ACT further to regulate the payment of the debt due the Commonwealth for the sale of vacant Lands.

APPROVED, January 27, 1812

Sec. 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sales of land directed to be

made by the register of the land office, under the act of assembly, approved January the 28th, 1811, entitled "an act further to regulate the payment of the debt due this commonwealth for the sale of her vacant lands;" shall be, and the same is hereby suspended until the first Monday in June, 1813;—and the auditor and register shall respectively proceed to perform the duties required under the before recited act, on the said first Monday in June, 1813.

Sale of land suspended.

Sale to be made after a given period.

Sec. 2. That the instalments, which by the existing laws, would become due on the first Monday in June next, shall be payable on the first Monday in June, 1813; and each instalment shall be payable annually, on or before the first Monday in June in each year thereafter, until the whole is paid *Provided, however*, that interest at the rate of six per centum per annum, be calculated upon so much of the several instalments as is composed of principal, as they would have become due, if this act had never passed.

when next instalment payable—

Interest to be calculated.

Sec. 3. That where any tract of head-right land, shall have been stricken off to the state at the sales heretofore made, the owner or owners of the said claim, shall have the privilege of redeeming the same, on or before the 1st Monday in June, 1813; by paying into the treasury the instalment and interest for which the said claim was sold; together with an interest at the rate of twenty-five per centum per annum, from the day of sale to the day of redemption, and costs of sale.

When lands stricken off to the state may be redeemed

Terms of redemption.

Sec. 4. That every person indebted to the state, for any lands acquired under any law of this commonwealth, as well where the land has

been sold to the state, as where no sales have been made, who shall pay into the public treasury within twelve months after the passage of this act, the whole amount of the state price, or the balance in case of a partial payment already made, shall be entitled to a discount of the interest due or to become due.

For what interest may be discounted.

Sec. 5. *Provided always*, and it is hereby expressly declared, that no claim founded on, or derived under or by virtue of any county court certificate, as an additional, original or removed claim, upon which there is no actual settlement and residence, at the passage of this act, made by the owner of such certificate, or some person claiming under him or her; the owner or owners thereof, taking, using or falling under the indulgencies, or either of them, for payment, deduction of interest, or redemption herein granted; shall, after the owner so takes, uses, or by failure to pay, falls under the said indulgencies, or either of them, have any efficacy, priority or virtue in law or in equity, in any conflict or contest with any other adverse claim, located, entered or surveyed, by virtue or colour of any warrant, certificate or entry whatever—where such adverse claimant, or any one occupying under him, is actually seated on the land at the passage of this act. Or where such adverse claimants shall hold by virtue of any military, treasury warrant and settlement and pre-emption claim, derived under the laws of Virginia or this commonwealth.

Provision in which a distinction is made between claims upon settlement, & those without such settlement.

Respecting claims derived under the laws of Virginia—

Sec. 6. *Provided, however*, That nothing in the preceding section shall be construed, to impair or affect the rights of persons claiming under certificates founded upon a previous actual settlement made in good faith; nor to impair or affect the rights of persons holding

Preamble, respecting the construction of the preceding section.

under an additional claim, founded on an original certificate for land, upon which an actual settlement and occupancy, had been made by any claimant under such original certificate, at any time before the additional certificate was granted: of which settlement, however, the certificate or certificates of the commissioners, or county court, shall not be evidence.

Certificates of commissioners or courts, not to be evidence.

Sec. 7. That where any person shall be actually settled at the passage of this act, upon a tract of land, claiming the same by location or survey, less than 400 acres; claiming also a quantity adjoining not exceeding 400 acres; such settler shall be entitled to the benefit of the fifth section of this act, as to such adjacent claim, not exceeding 400 acres.

certain claimants entitled to the benefit of the fifth section.

Sec. 8. And where any person is actually settled at the passage of this act, upon a tract of land of 400 acres, or any smaller quantity, claiming by entry or location, not sufficiently descriptive of the land intended to be appropriated, and not reduced to certainty by actual survey, such settler shall, nevertheless, be entitled to the protection contemplated in the 5th section of this act, for his quantity of land, not exceeding 400 acres when laid off as nearly in a square, with the lines to the cardinal points and the dwelling seat at the intersection of the diagonals, as prior actual settlements and military claims will permit.

certain actual settlers protected.

Sec. 9. The auditor of public accounts shall keep an account and record of the sums paid on any tract of land, and of the time of payment; and a certificate from the said department, signed by the auditor, shall be evidence of the sums paid; the time of payment; deduction of interest, or of a failure to pay within the time prescribed by law, as the case may be.

Duty of auditor.

Sec. 10. That where any person obtains a quietus for the price due the commonwealth upon any tract of land, by taking the benefit of this act; either as to the extension of the time of payment, or for redemption, or for reduction of interest, the auditor shall recite it in the quietus; and the register of the land-office shall recite the same in the grant. Duty of auditor & register

CHAPTER CCCXXXI.

AN ACT for the relief of John Holder's heirs and others.

APPROVED January 27, 1812.

WHEREAS it is represented to the present General Assembly, That John Holder was security for Robert Higgins, sheriff of Clark county for the year 1796—That the said Higgins became insolvent; and a judgment was obtained by the auditor of public accounts against the said Holder, for the sum of 751*l.* 9*s.* 0*d.* 3-4—That since the rendition of the judgment aforesaid, the said Holder has departed this life, leaving eight children, some of whom were infants of tender years, they not having it in their power to sell the estate to pay the commonwealth (it being chiefly real) sundry executions have been issued on said judgment, and more than ten times as much property sacrificed at sheriffs' sales, as would have satisfied the commonwealth, had it sold for its value: That the judgment is not yet satisfied; and the said heirs are now pressed with an execution, which must nearly ruin them if no relief is granted—Therefore, Preamble.

Sec. 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That all the damages and interest which have accrued, or may hereafter accrue on said judgment Holders heirs

be, and the same is hereby remitted to the heirs of said Holder. *Provided*, that the indulgence hereby given, shall in no case whatever, permit the heirs of said Holder, to draw any money heretofore collected from them, or their deceased father's estate, from the hands of the officers collecting the same, or from the public treasury.

Proviso.

Preamble.

Buckner and others.

And whereas it is represented to the general assembly, that Robert Buckner, George Culp, Thomas Rule and John Rule, were securities for William Morrow, sheriff of Bourbon county, for the year 1799: That a judgment has been obtained by the auditor of public accounts against said Morrow and his said securities, for the sum of $ 1109 85 5, with fifteen per cent. damages, and interest from the first of October, 1802, at five per cent. until paid, it being a balance of the revenue tax collected by said Morrow—That said Morrow has become insolvent, and that it will greatly injure and distress said securities if they are compelled to pay the interest and damages aforesaid: Therefore,

Sec. 2. *Be it enacted by the general assembly*, That upon the payment of the principal by said securities, they shall be exonerated and discharged from the payment of the interest and damages, which have, or may hereafter, accrue on said judgment.

CHAPTER CCCXXXII.

AN ACT *for the relief of Isaac Rayfield.*

APPROVED January 28th, 1812.

Preamble.

WHEREAS it is represented to the present general assembly, That Isaac Rayfield hath

settled on fifty acres of vacant land, for which he obtained a certificate from the Cumberland county court, No. 929; for which he has paid a part of the state price; but owing to his being a cripple, and in very indigent circumstances, with a helpless family, is unable to pay the residue: wherefore,

Sec. 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That the register of the land office be, and he is hereby directed, to issue a grant to the said Isaac Rayfield, for the said fifty acres of land, without requiring any consideration therefor, in the manner heretofore prescribed by law. *Provided, however*, That the said Rayfield shall not have power to alien said laid; but the same shall descend to his heirs.

Register to issue a grant to him for certain lands.

Proviso.

CHAP. CCCXXXIII.

AN ACT for the benefit of Thomas Townsend.

APPROVED, January 28, 1812.

WHEREAS there is at present, no law authorising the appropriating the vacant land in this commonwealth; and without a special law empowering persons who have discovered vacant and unappropriated land, and have from necessity been compelled to settle themselves on land belonging to the commonwealth, who are willing to pay a fair price for the same—Therefore,

Preamble.

Sec. 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That Thomas Townsend of the county of Madison may, and he is hereby authorised, to cause to be surveyed the tract of land whereon he has caused his improvement to be made in the coun-

Authorised to have certain lands surveyed, which are unappropriated—

ty aforesaid, to begin at a white oak, the north, east corner of the land that Christopher Harris now lives on; and to run east and south up Muddy creek, on the east side, so as to include not more than 150 acres; which is between the aforesaid surveys in that neighborhood of Harris and others, if so much vacant land should be there found: For which he shall pay into the public treasury, twenty dollars per hundred acres, within twelve months from the passage of this act; and return his platt and certificate to the register's office, and he shall be entitled to a grant therefor, as in other cases —*Provided, however*, that the said Townsend shall not include any other settlement than that of his own;—*Provided*, that said Townsend shall not interfere with any other claim or claims whatsoever to said land, or any part thereof.—And if the said Townsend shall interfere with any other claim, and shall settle or improve thereon, said Townsend, nor any one claiming under him, shall not be entitled to claim any pay or compensation, for any improvements on said land under, or by virtue of any law for the benefit of occupying claimants to land.

to pay for the same at a certain price:

a grant to be issued to him

Proviso.

CHAP. CCCXXXIV.

AN ACT repealing the act keeping open the navigation of Little River, in Christian county.

APPROVED, *January* 28, 1212.

Sec. 1. BE *it enacted by the General Assembly of the commonwealth of Kentucky*, That the act approved January 4th, 1811, for keeping open the navigation of Little river, in Christian county, be, and the same is hereby repealed.

CHAP. CCCXXXV.

AN ACT *for the relief of certain Sheriffs.*

APPROVED, JANUARY 29th, 1812.

WHEREAS a law passed January the 25th, 1811, for the change of *venue* in the trial of Jesse Cravens, which made it the duty of the sheriff of Hardin county, to apply to the clerk of the circuit court for Ohio county for the indictment, and a complete transcript of the record and proceedings of the said cause, and deliver them to the clerk of Hardin county—and for which, said sheriff was entitled to ten dollars for his trouble; and the auditor refuses to issue a warrant for the same: For remedy whereof, Preamble.

§ 1. *BE it enacted by the general assembly of the commonwealth of Kentucky*, That the auditor be, and he is hereby directed, to issue his warrant in favor of Robert Blakely, deputy sheriff of Hardin county, for ten dollars; and the treasurer is hereby directed to pay the same. Auditor to issue a warrant in favour of the sheriff of Hardin—

And whereas it appears that Richard Forrest, deputy sheriff of Benedict Spaulding, was prevented by high water, from obtaining a credit for twenty-five dollars, eleven cents, for delinquents in payment of the tax for 1808; and in consequence of which failure, the said sheriff paid into the public treasury said sum, which he is in justice and equity entitled to receive back: therefore, the sheriff of Washington county:

§ 2. *Be it enacted*, That the auditor of public accounts, be, and he is hereby directed, to issue his warrant to said Benedict Spaulding, for said sum of twenty-five dollars and eleven cents—upon producing which to the treasurer, he is hereby directed to pay off the same. the auditor to issue a warrant to him.

§ 3. *Be it further enacted*, That the further

Time allowed the sheriff of Livingston to make certain returns.

time of ten days after the passage of this act, be allowed the sheriff of Livingston county, to return to the auditor of public accounts, so much of the land list and removals, as was transmitted by the auditor to the said sheriff, and charged in the account of the revenue tax for the year 1810, as remains uncollected by said sheriff: upon its being certified as the law directs, the amount of said list shall be credited the sheriff in his account as aforesaid.

Preamble.

And whereas it appears that Reuben Rucker, late collector of the revenue for Greenup county, has removed from the said county, without settling his account for the collection of the tax for the year 1808; whereby judgment has been obtained by the auditor of public accounts, against John W. Howe and William Dupuy, his securities, for the whole amount charged on his books, without having any deduction therefrom for delinquents; and the said J. W. Howe and William Dupuy, have paid into the public treasury, nearly the amount of the sum due; and it is just and reasonable, that they should be exonerated from the payment of what may appear to be delinquent—Wherefore,

Time allowed J. W. Howe & Wm. Dupuy, to procure a list of sheriff's delinquents,

§ 4. *Be it enacted by the authority aforesaid*, That the said John W. Howe and William Dupuy, shall have the time of six months, to procure a list of the delinquents; which being examined and certified by the county court of Greenup county, in the usual form, and returned to the auditor, shall be entered to the credit of the said John W. Howe and William Dupuy, on the judgment aforesaid:—and until the expiration of the said term, no execution shall issue on the judgment aforesaid.

which are to be credited them by the auditor.

County court

§ 5. *And be it farther enacted*, That the court

of the said county of Greenup, are hereby empowered to appoint a collector to complete the collection which remains to be made, of the taxes uncollected by the said Reuben Rucker; who shall enter into bond and security in like manner as other collectors are required by law to do; and account for the same within twelve months from the passage of this act.

Greenup to appoint a collector of the tax due and uncollected by the former collector. To enter into bond, with security.

§ 6. *And be it further enacted*, That the sheriff of the said county of Greenup, shall be allowed the further time of six months, to return his delinquent list for the collection of the revenue tax for the years 1809 and 1810, to the auditor of public accounts—who is authorised to receive the same, and credit the said sheriff accordingly.

Time allowed the sheriff of Greenup to return his delinquent lists.

CHAP. CCCXXXVI.

AN ACT respecting Depositions.

APPROVED, January 28th, 1812.

BE *it enacted by the general assembly of the commonwealth of Kentucky*, That in all suits at common law and chancery, *one* justice of the peace, shall have full power and authority, to take any deposition or depositions to be read as evidence, in any such suit or suits within this commonwealth.

Sec. 2. *Be it further enacted*, That a *dedimus potestatem*, issuing from the court authorising the taking of such deposition or depositions, shall not be necessary; but all justices of the peace of this commonwealth in virtue of their office, are hereby invested with complete and full power and authority, to take such deposition or depositions---any law or usage to the contrary notwithstanding.

Sec. 3. *And be it farther enacted*, That if any person or persons shall give a notice to take a deposition or depositions, and shall fail to take, or cause the same to be taken, the party notified, if attending agreeably to the notice, shall be entitled to receive six cents, for every mile that he shall necessarily travel, in going to and returning from, the place assigned to take the deposition or depositions; to be allowed by the court where the suit is depending; and for which execution may issue according to law: *Provided*, that the provisions in this section, shall not be extended to any case, where the failure to take the deposition or depositions, arises from the non-attendance of the witness or witnesses, or any unavoidable cause: And the oath of the party giving the notice, shall be admissible, to enable such party to obtain the benefit of this proviso.

CHAPTER CCCXXXVII.

AN ACT concerning the navigation of Green & Mud rivers.

APPROVED, January 28th, 1812.

Sec. 1 BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of any act or acts in force in this commonwealth, as provides for the opening of Green river between the mouth of Knob lick creek and the Adair county line, be, and the same is hereby repealed,

Certain acts repealed.

Sec. 2. *Be it further enacted by the authority aforesaid*, That the second section of an act of the General Assembly, approved January the 18th, 1810, entitled "an act to keep open and improve the navigation of certain water courses," be, and the same is hereby repealed.

Sec. 3. *Be it farther enacted*, That Thomas Stubblefield and Nimrod Long be, and they are hereby appointed commissioners, in addition to those already appointed by an act approved January the 18th, 1810, to open and keep in repair the navigation of Mud river; and to be cloathed with the same powers, and be under the same restrictions as those already appointed by the above recited act. Commissioners appointed to keep open the navigation of Mud river.

CHAPTER CCCXXXVIII.

AN ACT concerning Executors and administrators.

APPROVED, January 28th, 1812.

WHEREAS, inconveniences frequently occur to suiters in our courts of justice, from the necessity of executors and administrators, who are non-residents, being compelled to qualify as such, and give bond in this commonwealth, previous to the commencement or prosecution of any claim in right of their testator or intestate: For remedy whereof, Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any such executor or executors, administrator or administrators, who reside beyond the jurisdiction of this state, may commence, or prosecute any suit already commenced, either in law or equity, in right of their testator or intestate, without taking the oath and giving the bond, required by the laws of this state: *Provided, however*, that the said executor or executors, administrator or administrators, shall file, with the clerk of the court, wherein such right is recoverable, or suit commenced, an authenticated copy of the certificate of probate Executors or administrators, who are non-residents may maintain or commence suits, without taking the oath required by law. Proviso.

or order, granting letters of administration of said estate, given in such resident's state. *And provided also*, that the recovery had by such executor or administrator, shall be considered as assets of their said testator or intestate; and before execution shall issue on such judgment, he or they, shall give bond with approved security before the county court aforesaid, as the law requires, duly to administer the same.

Proviso.

Sec. 2. *Be it further enacted*, That any executor or executors, administrator or administrators, commencing a suit, or being legally authorised to prosecute the same within the purview of the foregoing section, shall give bond with security for the payment of costs, as other non-residents, suing in their own rights are compelled to do; and upon a failure of assets, shall be liable individually, for costs of any such suit.

Shall give bond for costs as other non residents.

CHAP. CCCXXXIX.

AN ACT to establish a town in the county of Estill.

Approved, January 28, 1812.

WHEREAS, it is represented to the present General Assembly, that the justices of the county of Estill, have erected the public buildings for the said county on the lands of Green Clay, and that the said Clay has conveyed to the said justices, twenty and one half acres of land, around and adjacent to said public buildings; and the said justices having petitioned the General Assembly to establish a town thereon,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That

the said twenty and one half acres of land, which was conveyed by the said Clay, to the said justices, be vested in Stephen Trigg, Bennett Clark, John Oldham, Jones Hoy and Jesse Cobb, as trustees for a town, to be known by the name of IRVINE; that they, or a majority of them, proceed as soon may be, to lay off the same in suitable lots and streets, having respect to all improvements made in faith of any former plan of a town; and sell the lots on some court day to be held for said county, to the highest bidder, giving one month's previous notice of the day of sale. The said trustees shall sell the same on a credit of twelve months, and shall take bond for the payment of the purchase money, with approved security; which bonds shall be assigned by the said trustees, to the said Clay for his use: *Provided*, That no payments of money or assignments of bonds, shall be made to the said Green Clay, by the trustees for the sale of lots in said town, until the said Clay shall have first entered into bond with sufficient security in the county court of Estill, conditioned as is prescribed by the fourth section of an act, entitled "an act concerning the establishment of towns," approved, December 19th, 1796. And the said trustees shall convey by deeds in fee simple the lots sold, to the purchasers or their assignees. In case of any vacancy by death, resignation, or removal from the county or otherwise, of any of the trustees; a majority of the remaining trustees shall fill up such vacancy, by choosing some of the inhabitants of the county thereto. The lots set apart for the public buildings, shall be considered as the property of the public, and not appropriated to any private use.

Certain lands vested in trustees for a town,

to be known and called Irvine.—

their powers and duty.

Proviso.

power of the trustees to convey lots;

Sec. 2. *And be it further enacted by the authority aforesaid,* That the county court of Estill, shall cause the streets of said town of Irvine, to be repaired and kept in good order, as other highways are by law directed to be.

further duties of the trustees.

Sec. 3. *And be it further enacted,* That it shall be the duty of the trustees of said town, before they make sale of said lots, to estimate the value of the lots in said town that have been improved, as though no improvements had been made; and the said Clay shall be responsible to the right owner or owners, for the amount that said improved lots may be estimated at, exclusive of said improvements; and the bond the said Clay is directed to execute, before he receives assignments of the bonds, for the purchase money of said lots, shall cover the estimated value of said improved lots.

CHAPTER CCCXL.

AN ACT for the relief of George Wilhelms, James Blue, jr. and Richard Morris.

APPROVED January 28th, 1812.

Willhelms.

WHEREAS it appears, that Geo. Wilhelms did, on the 5th day of January, 1811, pay into the public treasury of this commonwealth, twenty-eight dollars and seventy three cents; being the balance in full of the state price on one hundred acres of land in Barren county, on the north side of Beaver creek, in the name of Thomas Musick, on a certificate No. 1440; and there being two surveys in the register's office of the same name; same quantity of acres; and certificate of the same number as the above—and the register having thro' mistake, issued a patent on

one of said surveys, in Thomas Musick's name --which contains courses and distances different from those intended to be included: therefore,

Sec. 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land office, is hereby directed to receive the above mentioned patent, and destroy it; and issue one in the name of said Thomas Musick for one hundred acres of land, the certificate of the number above referred to, and to make out the patent by the other survey.

Sec. 2. *Be it further enacted*, That the sum of twenty dollars, thirty-two cents, paid upon a certificate granted by the county court of Henderson, in the year 1803, in the name of James Blue, jr. for four hundred acres of land, No. 494, shall be transferred to the credit of a certificate granted by a court of the same county in the year 1805, in the same name, for 200 acres of land, and numbered 818; which certificate was granted to the said James Blue, jr. on his own application, and for his own benefit. Blue

Sec. 3. *Be it further enacted*, That the said James Blue, jr. is hereby released from all costs and damages that have accrued from the misapplication of the payment aforesaid.

And whereas it is represented to the present general assembly, that Richard Morris by William Casey, did pay into the public treasury, the sum of eighty dollars for a head-right tract of land, containing two hundred acres; which sum, through mistake, was applied to a tract of land in Warren county, in the name of Richard Morris, on certificate No. 2128, whereas it ought to have been applied to a two hundred acre tract in the name of Richard Morris of Green county, on certificate No. 846. Morris.

Sec. 4. *Be it therefore enacted*, That the auditor be, and he is hereby directed, to rectify the mistake aforesaid, and apply the credit in his books to certificate No. 846; entering the same in the margin, opposite the claim on certificate No. 2128; which alteration, however, shall in no wise, affect the claim or claims, of any other person whatsoever.

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CHAPTER CCCXLI.

AN ACT to amend the act entitled "An act to empower securities to recover damages in a summary way.

APPROVED, January 28th. 1812.

§ 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That in all cases where judgment hath been, or shall hereafter be entered up in any of the courts of this commonwealth, otherwise than by confession; against any person or persons, as security or securities; their heirs, executors or administrators, upon any note, bill, bond or obligation: or where judgment hath been, or shall hereafter be entered up in any of the courts of record within this commonwealth, otherwise than by confession; against any person or persons; their heirs, executors or administrators as appearance bail, or special bail, and the amount of such judgment, or any part thereof, hath been paid or discharged by such security or securities, or by such appearance bail or special bail, his, her or their heirs, executors or administrators, it shall and may be lawful for such security or securities, or such appearance or special bail—his, her or their executors or administrators, to obtain judgment by motion against such principal obligor or obligors; or such principal defendant or defendants—his,

Securities or bail having paid the debt of their principal, may recover it by motion—

her or their heirs, executors or administrators, for the full amount of what shall have been paid by the said security or securities; or by such appearance or special bail—his, her or their executors or administrators, with legal interest thereon from the time of such payment until the same shall be discharged by such principal obligor or obligors, or principal defendant or defendants, together with the cost of such motion—in any court where such judgment may have been entered up, against such security or securities; or appearance or special bail—his, her or their heirs, executors, or administrators; or in any other court of this commonwealth, in the county where said principal obligor or obligors; or such principal defendant or defendants resides, such court having jurisdiction of like sums. *Provided, always*, that no judgment shall be obtained by motion as aforesaid, unless the party or parties, against whom the same is prayed, shall have ten days previous notice thereof in writing, served upon him, her or them; or left at his, her or their usual place of abode.

Execution may issue for costs of continuance.

§ 2. *Be it enacted*, That when a cause is continued at the costs of either party litigant, the adverse party, may sue out execution for his costs incurred in consequence of such continuance; but a lawyer's fee shall not be allowed.

Joint obligors &c. may recover of their co-obligors, &c.

§ 3. *Be it further enacted*, That when judgment shall be entered against two or more joint obligors, or joint securities; their executors or administrators, it shall be lawful for either of them, having paid the full amount of the judgment or costs, to recover judgment against the co-obligor, or co-security, or their representatives; for the proportion of the judgment and

cost which such co-obligor or co-security, or their representatives ought to have paid; together with legal interest thereon: which judgment may be had by motion in any court having jurisdiction of the amount demanded, upon legal notice.

with interest,

by motion—in what courts

CHAPTER CCCXLII.

AN ACT *to increase the jurisdiction of Magistrates.*

APPROVED January 30th, 1812.

Jurisdiction of justices increased.

Sec. 1. BE *it enacted by the general assembly of the commonwealth of Kentucky*, That hereafter justices of the peace in the several counties in this commonwealth, shall have original jurisdiction of all debts and accounts not exceeding fifty dollars.

May require bail to be taken in certain cases.

Sec. 2. *Be it further enacted*, That when a justice shall issue his warrant for any sum within his jurisdiction, and over the sum of twenty dollars, founded on a note or other instrument of writing, for the direct payment of money; it shall be his duty to endorse on said warrant, that "Special bail is required:" and the officer upon executing the same, shall take bail endorsed upon the warrant, in the following words, to wit: "I, A. B. do hereby agree to be special bail for the within named C. D. Witness my hand and seal, this ——— day of ———:"

Form.

Persons failing to give bail, committed to jail.

And on the defendant's failing or refusing to give such bail, the officer is hereby directed to commit him, her or them, to the jail of his county, until he, she or they, shall give such bail; or shall be otherwise discharged by due course of law.

Officer's fee for executing process.

And the officer for taking the bail aforesaid, shall be entitled to

twenty-five cents, to be taxed and collected as other costs.

Sec. 3. *Be it further enacted*, That the justices of the peace in this commonwealth, shall hereafter, in addition to the fees now allowed by law, be entitled to the following fees for the trial of all sums over five pounds, to wit: For issuing a warrant, twelve and one half cents—Giving judgment, twelve and one half cents—Issuing execution, twelve and one half cents. And he shall keep a book in which he shall record all his proceedings; and shall be entitled to twelve and one half cents, for each case tried and recorded as aforesaid.

Certain fees allowed to magistrates—

Their duty.

Sec. 4. *And be it further enacted*, That in all cases tried and determined before a single justice, where the matter in controversy shall be above five pounds, either party shall have a right to appeal from the judgment of such justice, to the circuit court of the county in which the judgment shall have been given. Which appeal shall be docketted by the clerk of said court as other causes; and shall be tried and determined in all respects, as it would or might have been, had it originally been instituted in said court; said court making such order therein, as to its preparation for trial, as they may deem right and equitable. *Provided, however*, that nothing in this act contained, shall be so construed, as to repeal the law now allowing appeals from the judgment of a single justice.

Party aggrieved may appeal to circuit c'rt

there to be tried & determined as other cases originating therein.

Proviso.

Sec. 5. *Be it further enacted*, That on the granting of all appeals from judgments of magistrates for sums exceeding five pounds, it shall be the duty of the magistrate before whom the trial was had, to transmit all papers had before him on such trial, to the clerk of the circuit

On appeals, the justice to transmit to the clk. of circuit court a copy of record & certificate of costs.

to which the appeal is taken, at or before the court next succeeding the granting such appeal —together with a certificate of the costs on the trial before him: which costs shall be taxed by the clerk as the other costs, and collected accordingly.

Costs—how collected.

Sec. 6 *Be it further enacted*, That the person praying an appeal shall, in the clerk's office of the circuit court, to which the appeal is returnable, enter into bond and security, to be approved by said clerk, in a sum not less than double the original debt and costs, with condition to pay the same, provided he gets cast. And no appeal shall be dismissed, for any irregularity in the proceedings had before the magistrate; but the same shall be tried on its merits, as though no trial had been previously had thereon.

Party appealing, to enter into bond—

condition.

No appeal to dismissed for irregularity;

Sec. 7. *Be it further enacted*, That in all cases where the sum due, or secured by any instrument of writing, shall be reduced by credits endorsed thereon, to a sum not exceeding fifty dollars, in all such cases, justices of the peace shall have exclusive jurisdiction, for the recovery of such balance.

Where credits are endorsed, so as to reduce it to a certain sum—justices to have exclusive jurisdiction.

Sec. 8. *Be it further enacted*, That in all cases of trial before a magistrate, the parties litigant shall have the same right to settle their difference by arbitration, as is allowed by law in causes pending in the circuit court; and the award returned by the arbitrators, may be made the judgment of the justice: subject, however, to an appeal under the same rules and regulations, as other cases of appeal from the judgment of a justice.

Parties may arbitrate their differences;

subject to an appeal,

Sec. 9. *Be it further enacted*, That an appeal may be taken from the judgment of any justice of the peace, at any time within twenty

time in which an appeal may be taken.

days after the time of granting the judgment, and at no time thereafter.

Duty of justices in case of removal or resignation—& of their representatives in case of death.

Sec. 10. *Be it further enacted*, That hereafter, when any justice of the peace may resign or remove out of the county, it shall be his express duty to return all the papers, and his record book, to the clerk of his county, in all cases of judgments over five pounds: or in case of the death of such justice, the clerk of the county court shall demand and receive from the representatives of such justice, such papers and record book, to be by such clerk filed and preserved in his office; from which copies may be given to any person requesting the same; and when certified by the clerk, shall be evidence as other records are at present under the existing laws of this state.

Duty of the clerk of the county court, in certain cases.

Constables to give bond,

the amount, condition:

Sec. 11. *Be it further enacted*, That within six months after the passage of this act, each constable in this commonwealth, shall in the court of his county enter into bond with good security in the penalty of one thousand dollars, conditioned as the law directs, for the faithful performance of the duties enjoined on him by law; and on any constable failing or refusing to pay over to the plaintiff or his attorney, any money by him collected—where the sum exceeds five pounds, he shall be liable to a motion in the circuit court, under the same rules and regulations which now govern motions against sheriffs.

on failing or refusing to pay over monies collected—how to be proceeded against;

on failing to return an execution, him & his securities to be liable for the amount and ten per centum damages,

Sec. 12. *Be it further enacted*, that whenever an execution is put into the hands of any constable in this commonwealth, and he fails or refuses to return the same, within twenty days from the return day of said execution, he and his securities, or any of them, shall be liable for the amount thereof, to the person in

how to be recovered.

whose name the execution issued, with ten per centum damages thereon, to be recovered in like manner upon motion, as other monies are to be recovered of constables.

Person orwritten application to be made for a warrant in all cases:

Sec. 13. *And be it further enacted*, That it shall not be lawful for a justice of the peace, to issue any warrant in any civil case, except on personal or written application of the plaintiff to him, or the filing with him the bond, note, or some other written specialty as evidence of the debt.

On an appeal a summons shall be issued against the appellee.

Sec. 14. *Be it further enacted*. That the party praying an appeal from the judgment of a single justice, where the amount in dispute shall be above five pounds, shall have a summons executed on the appellee at least ten days before the court, at which the appeal shall be set for trial; which summons shall be issued by the clerk, and executed by the sheriff or constable, at the request of the appellant.

Commencing clause.

Sec. 15. This act shall commence and be in force, from and after the first day of June next.

In cases of appeal the clerk to issue a supersedeas.

Sec. 16 *Be it enacted*, That in cases of appeal to the circuit court, when the appellant executes bond with approved security in the clerk's office, it shall be the duty of the clerk to issue a *supersedeas* staying all further proceedings until the trial in the circuit court; and upon the receipt of such process, the officer having any execution, shall stay all further proceedings.

CHAP. CCCXLIII.

AN ACT, to amend an act, entitled "an act concerning Occupying Claimants of Land.

[*Passed according to the provisions of the constitution, notwithstanding the Governor's objections.*

January 31, 1812.

Sec. 1. BE *it enacted by the General Assembly of the commonwealth of Kentucky*, That if any person hath peaceably seated or improved, or shall hereafter so seat or improve any lands, supposing them his own by reason of a claim in law or equity, the foundation of such claim being of public record, but which lands shall prove to belong to another, the charge and value of seating and improving, shall be paid by the right owner, to such seater, improver, or his assignee or occupant so claiming.

Persons peaceably seating and improving lands—to be paid therefor, in certain cases.

Sec. 2. But if the right owner is not willing to disburse so much, an estimate shall be made of the value of such lands, as if no such seating or improving had been made; also of the value of such seating and improvement. If the value of the seating and improving exceeds three-fourths of the value of the land as if it were unimproved, then the said valuation shall be paid to the right owner by the seater or improver, or occupant claiming the same. But if the value of the seating and improving, exceeds not three-fourths of the value of the land estimated, without regard to the seating and improvement as aforesaid; then the seater, improver, or occupant claiming the same, shall have the value of his improving and seating, to be paid by the right owner of the land.

In what case the value of the land to be paid to the right owner;

And in what case the value of seating, &c. to be paid the occupant.

Sec. 3. That every such seater, improver, occupant free

from rent, &c before judgment.

or occupant, shall be free and acquit from action, plaint, suit, or demand for any charge of rent or profit, during his occupancy at any time before judgment or decree against the validity of his claim by the court of original jurisdiction; nor shall such seater, improver, or occupant, by any delay or hindrance of justice, after such judgment or decree, become chargeable with rent for more than five years.

Commissioners appointed in certain cases to assess damages, &c.

Sec. 4. The court rendering judgment of eviction against such seater or occupant, or in case he shall assert his claim in equity, then the court rendering the decree against him, shall nominate seven fit persons as commissioners, standing indifferent between the parties; who, or any five of whom, shall at the request of either party, after reasonable notice to the adversary, go on the lands from which the occupant is to be evicted, and make the assessments of damage and waste committed after suit brought, and of rents and profits accruing after judgment or decree as aforesaid; of the value of improvements on the land from which the occupant is to be evicted; and of the value of the land at the time of such assessment, regarding it as if such seating or improving had never been made; all which they shall separately and distinctly specify and report to such court.

Commissioners to act on oath.

Sec. 5. The said commissioners shall be charged on oath, before some justice of the peace, or in open court, to act impartially, and without favor to either party; and they shall in their report name the justice or court, before whom they were so charged upon their oaths.

Court may re

Sec. 6. The court for just exception to the

report, may re-commit it to the same commissioners, or to others.

commit the report of the commissioners.

Sec. 7. The commissioners shall make out one copy of their report, for each, and every party, to be delivered on request, and return the original to court; but the court shall not act thereon, until it shall appear to them, that the parties have had at least ten days notice of the court to which it would be returned, or are both present in court, or until the court succeeding the coming in of such report.

Copies of commissioners report to be made out.

Sec. 8. Upon the report of the commissioners, if the right owner shall elect to pay for said seating and improving, or if the value of the improvements exceed not three-fourths of the value of the land, he shall give bond and security, to be approved by the court, to pay (to the seater or occupant, as the case may be) the value of the seating and improving, in two equal annual instalments, with legal interest upon each instalment from the date of the bond, until paid.

Regulations after report of commissioners.

Sec. 9. But if the right owner shall fail to give the bond and security, a judgment shall be entered against him in favour of the seater or occupant, as the case may be, for the value of the improvements; or where there are several improvers or occupants, then several judgments shall be entered in favour of the respective seaters or occupants for their respective portions; or at his or their election, they may take the land, giving bond and approved security to pay therefor, in two equal annual instalments with legal interest until paid.

Where right owner fails to give bond, judgment rendered against him.

Sec. 10. But if the successful claimant, is not willing to pay for the charge of seating and improving, and the value of the improvements exceeds three-fourths of the value of the land

Occupants to give bond where land

falls on their hands.

estimated as aforesaid; in that case, the occupant or occupants, shall give bond and approved security to pay the estimated value of the land, in two equal annual instalments, with interest on each instalment from the date until paid: but if the occupant or occupants, shall fail to give such bond and security, the court shall render judgment, or judgments, against the seater or seaters, or occupants, as the case may be, for the estimated value of the land, or of their respective portions: *Provided, however,*

Proviso.

that the successful claimant, shall release his claim to the occupant and give bond and approved security to refund the money, in case the occupant or improver should be evicted, by any claim paramount to that so released: *Provided, always,*

Proviso.

that any rents, damages, waste, or profits as aforesaid, reported against the occupant, shall be deducted by the court from the estimated value of the improvements; or where the case may require, the court shall render judgment therefor in favour of the successful claimant, against the occupant or occupants respectively, unless the payment thereof, in two equal annual instalments, together with interest, shall be secured by bond with approved security.

Sec. 11. The bonds given in pursuance of this act, shall have the force of judgments; and thereupon execution may issue for each instalment, as in case of replevin bonds: which executions shall be endorsed, that "no security of any kind shall be taken."

Bonds to have the force of judgments.

Sec. 12. The occupant shall not be evicted or dispossessed, by a writ of possession, until the report of the commissioners shall be returned, and a judgment or judgments rendered, or a bond or bonds be executed, in pursuance of this act.

Occupant not to be evicted

Sec. 13. The commissioners shall have full power to compel the attendance of witnesses, administer the necessary oaths, and examine them relative to any fact whereof they are required to make report: they shall have a reasonable allowance for their services, at the discretion of the court; to be paid by the person applying for the appointment of commissioners.

Witnesses compelled to attend.

Sec. 14. The court may, by consent of parties, without suit or upon their judgment of eviction upon the award of arbitrators, appoint commissioners to make the assessments; and thereupon render judgments according to the provisions of this act.

Court may appoint commissioners without suit, by consent of parties.

Sec. 15. And whereas, by the laws of this commonwealth, persons are authorised to relinquish lands to this commonwealth, and certain attempts have been made to relinquish to the commonwealth, a small portion of land, including the improvements of occupants, thereby to recover the balance only of the survey, leaving so small a portion of land around the improvements, as to render them of little use to the occupants: Therefore,

Be it enacted. That all such attempts either by relinquishment to the commonwealth, or by any other device, shall be of no effect or avail, to avoid or evade the provisions of this act.

the relinquishment of certain lands prohibited

Sec. 16. All acts or parts of acts, coming within the purview hereof, shall be, and the same are hereby repealed.

Repealing clause.

CHAP. CCCXLIV.

AN ACT concerning removed Certificates.

APPROVED, January 1, 1812.

BE *it enacted by the general assembly of the commonwealth of Kentucky*, That no certi-

Certificates when to be entered and surveyed.

ficate claim, granted by any county court, or court of commissioners for head right lands, as an original, additional or removed certificate claim, shall be entered or surveyed, in any other than the county in which such certificate issued, or in those which have been formed out of said county since the granting such certificate or certificates; and all such entries and surveys which shall be made contrary to the provisions of this act, shall be null and void, any thing to the contrary notwithstanding.

Money now received on Tellico lands to be stock.

Sec. 3. *Be it farther enacted*, That the money in the treasury, paid for the lands acquired at the Tellico treaty, shall be subscribed and applied as bank stock, for the benefit of the state, as in other cases.

CHAP. CCCXLV.

AN ACT *to amend the* venue *law in civil cases.*

APPROVED, JANUARY 31st, 1812.

Petition to be prefered to circuit, judge or assistants.

Sec. 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful, for any person or persons, having any suit or suits depending in any circuit court within this commonwealth, to prefer his, her or their petition to a circuit judge, or the two assistant judges of the court where the suit or suits are depending; accompanied with the proper affidavit now required by law, praying a change of venue in the cause or causes prayed to be removed: And it shall and may be lawful, for such judge or judges, to order a change of venue in such cause or causes; provided the opposite party has received reasonable notice

C. J. Holm.

in writing, of the time and place of such application; any law to the contrary notwithstanding.

Sec. 2. *Be it also farther enacted*, That so much of the present venue law, as requires the order for a change of venue, to be deposited with the clerk of the court where the suit is depending, thirty days before the suit shall be set for trial, shall be, and the same is hereby repealed: *Provided, however*, that no such removal as aforesaid, shall be had on any suit heretofore removed by order of a circuit judge.

Repealing clause.

Proviso.

CHAPTER CCCXLVI.

AN ACT authorising John Brown to build a Bridge across the Kentucky River.

APPROVED, January 31st, 1812.

BE *it enacted by the General Assembly of the Commonwealth Kentucky*, That John Brown or his assigns; his or their heirs, or legal representatives be, and he or they, are hereby authorised to erect a Bridge across the Kentucky river, at Frankfort, from his ferry lot or landing, on the North side, to his ferry lot or landing on the South side of said river; under the same rules and regulations, and to be entitled to the like emoluments; and subject to the like penalties and restrictions, as are contained in an act passed by the general assembly on the 21st day of December, 1805, entitled "An act authorising John Pope to erect a bridge across the Kentucky river." *Provided*, That the said bridge shall be completed for the safe passage of waggons and carriages, within two years from the first day of November next.

CHAP. CCCXLVII.

AN ACT concerning certain records and papers of the late supreme court for the district of Kentucky.

Approved, January 31, 1812.

WHEREAS amongst the papers of the late supreme court for the district of Kentucky, at present deposited in the office of the court of appeals, there are cases in which final decrees have been pronounced, requiring the execution of deeds of conveyance for land; which deeds it is represented, in some instances have not been made, to the prejudice of those entitled thereto:

Sec. 1. *Be it therefore enacted by the general assembly of the commonwealth of Kentucky*, That it shall be the duty of the clerk of the court of appeals, on the application of any authorised person, to deliver to him a complete transcript duly certified of the papers in any such case; which, when delivered to the clerk of the circuit court, where the land lies, or the greater part thereof, which is the subject of the suit, and regularly docketted by the clerk of the said circuit court, shall invest such circuit court with complete power, to cause the said final decree to be executed, according to law, in as full & ample a manner, as if the suit had been originally instituted in said court, and within their jurisdiction: *provided* that no order shall be made in any such suit, without the person or persons to be affected thereby, receiving a reasonable notification of the intended application therefor.

CHAPTER CCCXLVIII.

AN ACT allowing to non residents whose lands have been stricken off to the state by the register for taxes, further time to redeem the same.

APPROVED, January 31st, 1812.

1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That the further time of two years, from the expiration of an act, entitled "an act allowing to non-residents, whose lands have been stricken off to the state by the register for taxes, further time to redeem the same," approved, January 15th, 1811, shall be, and is hereby allowed for redeeming lands, as is provided for by said act.

CHAPTER CCCXLIX.

AN ACT to amend the several acts respecting the road from Triplett's creek to Big Sandy.

APPROVED, January 31st, 1812.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That no person shall be authorised to move or alter the said turnpike road, without the consent of a majority of commissioners and keeper, during the period for which the keeper is bound for keeping the same in repair. Nor shall any person be permitted by fences or other obstructions, to prevent the said keeper from having said road thirty feet wide on good ground; and sixty feet wide (if they shall think proper) on low or wet ground—without the consent of a majority of the commissioners and keeper, under a penalty not exceeding ten dollars for every such offence; to be recovered before a justice of the peace—And any person who shall

Persons restricted from altering the road;

or obstructing it;

penalty.

Penalty for

falling trees therein.

obstruct said road by cutting down a tree, or otherwise, shall be liable to a fine before any justice of the peace, for any sum not exceeding five dollars for every such offence: And the money arising under the provisions of this act, shall be paid to the keeper of the turnpike, his agent or assignee.

And whereas some of the commissioners are so inconveniently situated, that is difficult to have a meeting for the purposes stated in the said recited act; therefore,

Court may appoint commissioners—

their duty, power & compensation.

Sec. 2. *Be it further enacted*, That the county court of Greenup, is hereby empowered to appoint two commissioners, who shall have the same powers, and be entitled to the same compensation, as the other commissioners are entitled to for their services. And in case of death, resignation, or refusal to act, the county court shall have power to fill such vacancies, any thing to the contrary notwithstanding.

CHAP. CCCL.

AN ACT concerning the donation lands for the use of seminaries of learning.

APPROVED, January 31st, 1812.

Sec. 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That whenever the trustees of any seminary of learning, shall deem it expedient to sell the whole, or any part of their donation lands, the circuit court of the county shall, upon the application of a majority of the trustees, appoint two persons to go and view the lands, and report to the court appointing them, the situation, quality and value of the land;—and if upon the report of the persons so appointed, the court shall be of opinion, that a fund in money would be more productive, or more advanta-

Circuit court to appoint viewers.

Report.

geously applied to the institution, than the probable increase of the value of land, they shall appoint three commissioners; who, or any two of whom, shall before they act, take an oath in open court, or before some justice of the peace, faithfully and truly to perform the office of commissioners, as by this act directed.—And it shall be the duty of the commissioners under this act appointed, to sell the land agreeably to the order of the court appointing them: *Provided, however*, that the commissioners shall not sell the land, for less than three-fourths of the value fixed by the persons appointed by the court, to ascertain and report the value thereof; but said commissioners shall sell the land on a credit of three years; to be discharged in three equal annual payments. The first payment to be made at the end of the first year after such sale. And the said commissioners may sell the land in parcels if necessary; but not in such a manner as to render the residue of the tract, of little or no value. And the said commissioners shall take bond or bonds with good security, for the payment of the money; payable to the trustees of the seminary and their successors: which may be put in suit when due, as in other cases, by the trustees or their successors;—and the money when received, applied by the trustees to the use of the seminaries in each county, established by law. And it shall be the duty of the trustees, within three months after receiving the money as aforesaid, to report to the circuit court of the county, the amount received by them; and the clerk of the court shall file said report in his office—which report shall be taken thereafter as evidence of the amount received by said trustees, whenever

May appoint commissioners.

Duty of commissioners—

Sales to be made on credit:

Commissioners to take bond.

Trustees to report the monies received—

report evidence of the sum received

thereafter called on for an account of the appropriation of the money.

compensation of viewers & commissioners.

Sec. 2. *And be it further enacted*, That the persons appointed by the circuit court as viewers or valuers of the land, and those appointed as commissioners to sell the same, shall have an allowance made them by the circuit court, not exceeding two dollars per day, for every day they may necessarily be employed in executing the duties in this act imposed; and such allowance or allowances, shall be certified to the county court of the county where such order was made; and it shall be the duty of the county court, to cause such allowance or allowances, to be levied in the next levy for their county, and made payable to the person entitled, under the order of the circuit court.

Commissioners to convey lands sold.

Sec. 3. *Be it further enacted*, That commissioners who sell the lands under the directions of this act, shall be, and they are hereby empowered, to convey by deed or deeds, the lands by them sold as aforesaid; vesting all the right, title and interest of the trustees, in and to, the lands so sold, to the purchaser or purchasers.

Sec. 4. *And be it further enacted*, That the trustees of the Winchester, Green, Fleming and Pulaski academies, are hereby authorised to sell and convey, the balance of their seminary lands, at such time, and giving such credit, as they may think proper.

CHAP. CCCLI.

AN ACT to incorporate the Versailles & Washingtonian Library Companies.

APPROVED, *January* 31, 1812.

Sec. 1 BE *it enacted by the general assembly of the commonwealth of Kentuc-*

ky, That John Willett, James Simrall, Wingfield Bullock, Masterson Ogden, Cuthbert Bullitt, John Logan, James Moore, and the rest of the subscribers who have, or may hereafter subscribe to the Washingtonian library company, shall be a body politic and incorporate, to have continuance for twenty years, by the name and style of "the Washingtonian library company;" and by that name shall have power to sue, and be sued—plead, and be impleaded in any court, or before any judge or justice of the peace in this commonwealth, or elsewhere, in all manner of suits, actions, or complaints of any kind whatever, in as full and effectual a manner, as any other person or persons, corporation or bodies politic, may or can do; and that they may have, and make use of a common seal. Washingtonian company incorporated. style.

Sec. 2. *Be it further enacted*, That the shareholders of the Washingtonian library company, shall meet at the library room in the town of Shelbyville, on the last Saturday of February next, and on the last Saturday in January every year thereafter; for the purpose of choosing seven directors from amongst their number, a librarian and treasurer, who shall continue in office one year, and until their successors shall have been duly appointed. Directors when chosen. continuance in office.

Sec. 3. *Be it further enacted*, That the directors so elected, shall choose from among themselves one as president; who shall not vote only in case of an equal division, and then shall give the casting vote; four of the directors shall be a sufficient number to proceed to business, and may choose a president *pro tem.* when their regular president does not attend: they shall at all times possess all the authority vested in them by this act, and such bye- President.

laws as are made in pursuance thereof. They shall have power to fill all vacancies which may happen, either in their own body, or in any other office of the association; but all officers thus appointed, shall hold their offices only until the next general meeting of the share-holders; they shall also have power to choose a secretary, and to call a general meeting of the share-holders whenever they may deem it necessary,

Secretary.

Efficacy of the existing laws—

Sec. 4. The articles of association, and bye-laws made before this act of incorporation, shall be considered as valid and binding on the members thereof, until the same shall be repealed or altered by the directors; a majority of whom, shall have power to make, alter, or amend such bye-laws and regulations, as may from time to time be thought conducive to the interest of said association. *Provided*, such bye-laws shall not contravene the original articles of association, nor be contrary to the laws of this commonwealth.

Bye-laws:

Proviso.

Quorum.

Sec. 5. At every general meeting, fifteen share-holders, either in person or by proxy, shall be sufficient to constitute a quorum to proceed to an election or any other business they may think proper; they shall have full power in the name of the directors, to recover all sums of money now due under the articles of subscription to said library, or which may hereafter become due to said corporation, as debts of the like amount are now by law recoverable.

price of shares

their number limited.

Sec. 6. The amount of subscription for each share in said company, shall be twenty dollars; and there shall not be more than one hundred and fifty shares subscribed for, unless a majority of the share-holders, who may attend at any stated meeting, may think proper

to permit a greater number. The shares shall be transferable in such manner, and under such rules and regulations, as the directors may think proper to prescribe. transferable.

Sec. 7. The said corporation may lawfully possess property, whether real or personal, to any amount, not exceeding three thousand dollars, exclusive of its books, maps, charts, drawings, &c. Funds of the company limited.

Sec. 8. No forfeitures shall be greater than the amount of share or shares held by any delinquent, except for the loss or damage of any book or set of books; which shall be estimated and recovered agreeably to the original articles of association, and the bye-laws which are now, or may from time to time be adopted. Limitation of forfeiture.

Sec. 9. Any share-holder may, at any time, withdraw from said association, by entering on the records of the same, a relinquishment of his, her, or their shares, and discharging all claims which said corporation may have on him, her, or them, under the original articles of association, or any bye-law made in pursuance thereof, and of this act; and until such relinquishment is made, every share-holder, and his, her, or their legal representatives, shall be responsible for the amount of all debts, fines, or contributions, arising under the articles and bye-laws of said association. Shareholder may withdraw,

Sec. 10. The directors chosen by the share-holders before the passage of this act, shall have full power and authority to act as such, until their successors shall have been duly elected, in such manner as is herein before directed. Power of the present directors.

Sec. 11. *Be it further enacted*, That William B. Blackburn, John M'Kinney, jr. Natha- Versailles co. incorporated.

niel Hart, William B. Long and Joseph Kincaid, and their successors, duly appointed as is hereinafter directed, be, and they are hereby constituted a corporation and body politic; to have continuance for twenty years by the style of "*The Versailles Library Company.*"

Style.

Sec. 12. *Be it further enacted*, That all sums of money; books, goods or chattels, in possession of, or that are now due by subscription, contract or otherwise; or may hereafter be subscribed for the use of said company, is hereby vested in said corporation;—and that they may receive any gift, grant or bequest of money, books, goods or chattels, which may be made by any person or persons capable of making said gifts or grants. All which sums of money, goods and chattels, to be laid out in books, maps, charts, &c. for the benefit of said corporation, agreeably to the intention of the donors.

Certain funds vested in the corporation;

how appropriated.

Sec. 13. *Be it further enacted*, That the said corporation, by the style aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, before any court or courts, or before any judge or justice of this commonwealth, or elsewhere, in all manner of suits, actions or complaints of any kind whatsoever, in as full and effectual a manner as any other person or persons, corporations, or bodies politic may or can do.

Legal process

Sec. 14. *Be it further enacted*, That the said corporation shall have power to use a common seal, and the same break and renew at pleasure; to appoint a librarian, secretary and treasurer; to appoint their respective duties, and fix their compensation; to remove them from office and appoint others in their place as often as they may think proper; to make such bye-laws as

Their seal.

Their officers

Bye-laws

in their opinion may be useful to the institution —and the same to alter and abrogate at pleasure; to fix the price of new shares, and to fill any vacancy that may happen in their number, between two annual meetings: to levy and collect fines and forfeitures, and to determine and transact all business appertaining to said corporation, or said company, agreeably to the rules, ordinances and bye-laws thereof, during their continuance in office: *Provided, however*, that not less than five of the trustees, shall be a quorum to do business;—that no bye-laws shall be made repugnant to the constitution or laws of this commonwealth.

General powers.

Quorum.

Sec. 15. *Be it further enacted*, That there shall be an annual meeting of the members of said company at the library room, or other suitable place, as the trustees may direct; of which the trustees shall cause at least thirty days notice to be given by advertisement at the doors of the public houses, in the town of Versailles—At which time and place, the members or such of them as are present, either personally or by proxy, evidenced by a note in writing from the share-holder, shall elect by ballot nine trustees out of their number, to serve for the year next ensuing their election, and until others shall be elected to fill their place, and consent to serve. *Provided always*, that a majority of the share-holders, either personally or by proxy, shall be necessary to elect the trustees; that each share-holder shall be entitled to one vote for each share he may hold; *provided* the number does not exceed five;—and no person shall be entitled to a vote who is in arrear to said institution, either by fine, forfeiture or contribution.

Annual meetings,

notice thereof

Trustees.

what no. may elect trustees

Proviso.

Sec. 16. *And be further enacted*, That the first

First election

election for trustees shall be held on the first Saturday in June next; and on the first Saturday in June in every year thereafter: And in case a majority of the members should not appear to choose trustees at the time appointed by this act, the elections shall be held thereafter as the attendance of the majority can be obtained for that purpose; previous notice thereof being given as aforesaid.

future elections.

Shares may be transferred

Sec. 17. *And be it further enacted*, That each share-holder, shall be at liberty to transfer or relinquish his share or shares, and shall forever thereafter be released from all contribution on account thereof.

CHAP. CCCLII.

AN ACT, to change the venue *for the trial of Jesse Cravens, William Brown and Thomas Outton.*

APPROVED January 31st, 1812.

WHEREAS it is represented to the present general assembly, That Jesse Cravens stands charged in the Ohio circuit court with the crime of *forgery*; and from the prejudices existing against said Cravens in said circuit court, he cannot have a cool, dispassionate and impartial trial—wherefore,

Sec. 1. BE *it enacted by the General Assembly of the commonwealth of Kentucky*, That the trial of the said Jesse Cravens, on the indictment now depending in the said circuit, shall and may be had, in the Hardin circuit court.

Craven's case removed to Hardin.

Duty of sheriff of Hardin.

Sec. 2. *Be it further enacted*, That it shall be the duty of the sheriff of Hardin county, to apply to the clerk of the Ohio circuit court, within eight weeks from the passage of this act, for the said indictment, and a complete transcript of the record and proceedings of the said

cause. And the said clerk shall immediately deliver to said sheriff, the said indictment and transcript of the record, and take the sheriff's receipt for the same: And the sheriff shall, without delay, deliver the said indictment and transcript, to the clerk of the Hardin circuit court, and take his receipt therefor—And the said sheriff shall be entitled to ten dollars for his trouble; and for neglect of the duties herein required, shall forfeit thirty dollars. And it shall be the duty of the said clerk of the Hardin circuit court, to receive and docket the same in due form: and thereupon, the trial shall proceed, and be had in the said circuit court, as herein before directed: and the clerk shall issue all process and subpœnas to the first term of the said court after said removal, which the clerk of the Ohio circuit court should have issued provided the removal had not been had.

Sheriff's fee.

Duty of the clerk of Hardin.

Sec. 3. *Be it farther enacted*, That the said Hardin circuit court, shall have jurisdiction of, and proceed to try the said Jesse Cravens on said indictment, and pronounce judgment of conviction or acquittal in every respect, in the same manner, as if said offence had been committed in said circuit. *Provided*, the said Jesse Cravens shall, on the first term of said court, from the passage of this act, surrender himself to the said circuit court, while in actual session; and then and there, give his consent to be tried under the provisions of this act.—And if the said Jesse Cravens shall surrender himself agreeable to the provisions of this act, and give his consent as aforesaid, it shall be the duty of the court to whom he shall thus have surrendered himself, either to commit him, or recognize him to appear at that time, as to the said court shall seem proper under

Power and duty of Hardin circuit court.

Proviso.

the existing laws; at which said court, the said indictment shall stand for trial; but may for good cause be continued, as in other cases.

Consent of indictee a waiver of error.

Sec. 4. *Be it further enacted*, That if the said Jesse Cravens shall surrender himself, and consent to be tried agreeable to the provisions of this act, he shall not be allowed to take advantage of any error, occasioned by the said trial being had in the Hardin circuit court, instead of that in which the offence is alledged to have been committed—Nor shall the said Jesse Cravens take advantage of any lapse of terms, to obtain his discharge, if he shall not be brought to trial at the first term of the Hardin circuit court, at which he shall surrender himself as aforesaid.

Causes for which the provisions of this act are to be abrogated.

Sec. 5. *Be it further enacted*, That if the said Jesse Cravens shall fail to surrender himself and give his consent to be tried, agreeable to the provisions of this act, at the first term of the said court as aforesaid, he shall not be entitled to the benefit of the provisions of this act; but he shall be liable to be proceeded against and tried in every respect, in the same manner as he would have been, had this act not passed.

And whereas it is also represented, that William Brown stands charged in the Caldwell circuit court, with the commission of *perjury*; and from the prejudice existing against said Brown in said county, he cannot have a cool, dispassionate and impartial trial—Wherefore,

Brown's case removed to Christian.

Sec. 6. *Be it enacted*, That the trial of the said William Brown, on the indictment now depending in the said circuit court, shall, and may be had in the circuit court of Christian.

Duty of the sheriff of Christian.

Sec. 7. *Be it further enacted*, That it shall be the duty of the sheriff of Christian county,

to apply to the clerk of the Caldwell circuit court, within eight weeks from the passage of this act, for the said indictment, and a transcript of the record and proceedings of the said cause; and the said clerk shall immediately deliver to the said sheriff the said indictment, and a transcript of the record, and take the sheriff's receipt for the same: and the sheriff shall without delay, deliver the said indictment and transcript, to the clerk of the Christian circuit court, and take his receipt therefor. And the said sheriff shall be entitled to ten dollars for his trouble herein, to be paid out of the public treasury; and for neglect of the duties herein required, shall forefeit thirty dollars. And it shall be duty of the said clerk of the Christian circuit court, to receive and docket the same in due form; and thereupon the said trial shall proceed and be had in the said circuit court as herein before directed; and the clerk shall issue all process and subpœnas to the first term of said court, after said removal, which the clerk of the Caldwell circuit court could have issued, provided the removal had not been had.

compensation to sheriff—

Duty clerk of Christian;—

Sec. 8. *Be it further enacted*, That the said Christian circuit court, shall have jurisdiction of, and proceed to try, the said William Brown on said indictment, and pronounce judgment of conviction or acquittal, in every respect in the same manner as if the said offence had been charged to have been committed in the Christian circuit: *Provided*, the said William Brown shall, on the first term of the said court after the passage of this act, surrender himself to the said circuit court, while in actual session; and then and there give his consent to be tried under the provisions of this act. And if the said

Powers & duty of the court,

Proviso.

William Brown shall surrender himself agreeable to the provisions of this act, and give his consent as aforesaid, it shall be the duty of the court, to whom he shall thus surrender himself, either to commit him or recognize him to appear at that time as to the said court shall seem most proper under the existing laws: at which said court, the said indictment shall stand for trial: but may for good cause be continued as other causes.

Consent of indictee to waive error.

Sec. 9. *Be it further enacted*, That if the said William Brown shall surrender himself, and consent to be tried agreeably to the provisions of this act, he shall not be allowed to take advantage of any error occasioned by the said trial being had in the Christian circuit court, instead of that in which the offence is alledged to be committed; nor shall the said William Brown take advantage of any lapse of terms to obtain his discharge, if he shall not be brought to trial at the first term of the Christian circuit court, at which he shall surrender himself as aforesaid.

Causes for which the provisions of this act are to stand abrogated—

Sec. 10. *Be it further enacted*, That if the said William Brown shall fail to surrender himself and give his consent to be tried, agreeable to the provisions of this act, at the first term of said court as aforesaid, he shall not be entitled to the benefit of the provisions of this act; but he shall be liable to be proceeded against and tried in every respect in the same manner as he would have been if this act had not passed.

Outton's case removed to Clarke.

Sec. 11. *Be it further enacted*, That the *venue* for the trial of Thomas Outton, who stands indicted for perjury in the Fayette circuit court, shall be, and is hereby removed to the circuit court of Clarke.

Sec. 12. *Be it further enacted*, That the judges, clerks and sheriffs of the counties of Fayette and Clarke, shall do and perform all the duties, relative to the removal of the papers, and the trial of said indictment; and the same allowances shall be made to the said clerk and sheriffs, and the same penalties for neglect, as are provided in this act for the removal of the trial of William Brown; but the sheriff shall be allowed for the removing said papers, the sum of four dollars, to be paid out of the public treasury. *Provided*, that the proceedings shall be had at the March term of the Clark circuit court: at which term, the said Thomas Outton, shall deliver himself into the custody of the said court.

CHAPTER CCCLIII.

AN ACT concerning the towns of Flemingsburg & Cynthiana.

APPROVED, January 31, 1812.

WHEREAS, the platt or plan of the town of Flemingsburgh in the county of Fleming, as laid off by George Stockton, senr. the original proprietor thereof, has by unavoidable accident been lost; by reason whereof, the owners of lots in said town labour under great inconveniences: For remedy whereof,

Sec. 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees to be elected for the said town of Flemingsburgh at their next stated election, or a majority of them, shall as soon as may be, after their said election, proceed to make, or cause a platt of the said town to be made, as

Trustees to cause a new platt to be made out.

nearly as possible agreeable to the original platt, as laid off by George Stockton, sen. which platt, when completed, shall for the greater safety, and for the convenience of the holders of lots in said town, be recorded in the record books of the said trustees by their clerk, and also in the clerk's office of the said county court of Fleming; and that the same shall be as effectual and binding on the several holders of lots within the said town, as though the original platt had not been lost. *Provided, however*, that if any person shall have built or improved on the ground of another, having mistaken the boundary of his lot, and believing the ground so built on to be his own, the owner of such ground shall be obliged to accept of such compensation for the same, as shall be adjudged reasonable by the said trustees of said town.

To be recorded—

where

Proviso,

Sec. 2. *Be it further enacted*, That the trustees of the town of Cynthiana, are hereby authorised to tax the citizens of said town, not to exceed two hundred dollars per annum, and to be levied in the following manner, to wit: For every thousand dollars of freehold property in said town, one dollar; and a levy not to exceed fifty cents annually, on each white male inhabitant above twenty one years of age.

Cynthiana.

Sec. 3. *Be it further enacted*, That the said trustees shall be further authorised to appoint some fit person to collect the same; and if any person refuse to pay the amount they are taxed with, it shall be lawful for the collector to put the same in some officer's hands for collection, and it shall be the duty of the justice to give judgment for the same, with legal costs.

CHAP. CCCLIV.

AN ACT to incorporate the Frankfort Library Company.

APPROVED January 31st, 1812.

§ 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That the present, and those who may hereafter become share-holders of the Frankfort library, and their successors, be, and they are hereby made and constituted, a body politic and corporate, by the name of "The Frankfort Library Company;" and by that name shall have perpetual succession, and a common seal, with power to break, alter, or change the same at pleasure.

Shareholders incorporated

Style

Sec. 2. *Be it further enacted*, That the said corporation shall have power to purchase, receive and possess, goods and chattels, rights and claims, lands and tenements, in fee or otherwise, for the use of the said library; and the same to grant, let, alien, or assign; and the said company by the name aforesaid, may sue, and be sued; plead, and be impleaded, either in law or equity, in any court, or before any judge or justice, having jurisdiction of the case.

General powers:

Sec. 3. *Be it further enacted*, That the said library company, may meet when, and where they shall think proper; and a majority of them when met, shall have power to transact the business of said company—to appoint out of the members of said company, such officers as they may think necessary, for the management of the affairs of said company—to make such bye-laws, rules, or regulations, as they shall deem requisite for the government and benefit of the said library company—to

Board when to meet.

to appoint officers—

fix the price of shares in said library—to lay any contribution on the members of said company, which they may think necessary for the support and promotion of the said institution—to admit members into the said company, upon such terms as they may think right; and to expel any member from said company, for any cause which they shall think sufficient. *Provided*, that the said company shall make no law, rule or regulation, contrary to the laws of this commonwealth.

Directors to be elected—

their power and duty—

Sec. 4. *Be it further enacted*, That the said company, shall at their first meeting, and such other meetings as by their bye-laws they may appoint, elect seven directors, a majority of whom, when elected, may act, and invest them with such of the powers hereby vested in the said corporation, as they may think essential to the advancement and government of the said corporation; and that the said directors shall continue in office until their successors are duly elected.

Continuance in office.

Shares may be transferred

Sec. 5. *Be it further enacted*, That shares in the said library may be transfered, in the manner to be prescribed by the bye-laws of said company.

CHAPTER CCCLV.

AN ACT to amend an act, entitled "an act concerning public roads."

APPROVED, JANUARY 31st, 1812.

Duty of ferry keepers

Sec. 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That the owners of the several ferries within this commonwealth, shall keep the roads leading to, and from their respective ferries between low and high water mark, in good

repair. *Provided*, that high water mark does not extend farther than the first principal bank of the river, on which such ferries may be established; in which case said roads shall be kept in repair by the owners of such ferries to the top of such bank. Proviso.

Sec. 2. *Be it further enacted*, That the owners of the several ferries shall be subject to the like penalties, to be recovered in the same manner, as the surveyors of high ways are now subject to by the laws of this commonwealth. Penalty on ferry keepers

Sec. 3. *Be it further enacted*, That if it shall appear to a majority of all the justices of the peace in any of the counties in this commonwealth, that from the mountaneous and broken situation of their county, that it would be unnecessary and oppressive to the citizens, to compel them to clear any road or roads thirty feet wide; it shall and may be lawful for such court to direct the surveyor or surveyors of such road or roads, to cause the same to be cleared not less than fifteen, nor more than thirty feet wide. county courts may exercise discretion as to the width of roads.

CHAPTER CCCLVI.

AN ACT for the opening the navigation of Drake's Creek in Warren County.

APPROVED January 31st, 1812.

Sec. 1 BE *it enacted by the general assembly of the commonwealth of Kentucky*, That George Harris, George Hudspeth, Thomas A. Covington, William Skiles and Jesse Kerby, are appointed commissioners to open and keep in repair the navigation of Drake's creek, from John Harris's merchant mills, to its confluence with Big Barren river; and they are hereby empowered to raise by Commissioners, to raise a fund

subscription, the sum of fifteen hundred dollars, either in money, property, or labour, for the purpose aforesaid: and the said commissioners, or a majority of them, are hereby authorised to cause all obstructions to the navigation of said stream to be removed, and to cut down all timber projecting over said said stream, shrub all points of Islands, remove all fish dams, rocks, or logs. And the said commissioners, or a majority of them, as soon as they shall raise a sufficient sum for the purpose aforesaid, may proceed to employ hands, and superintend the clearing out of said stream, agreeable to the provisions of this act. *Provided, however*, that the said commissioners before they proceed to clear out said stream, shall, in the county court of Warren county, enter into bond with sufficient security, to be approved of by said court, in the sum of two thousand dollars; conditioned, to appropriate the money, property, and labour so raised, to removing the obstructions in said stream, in pursuance of the directions of this act. And the said commissioners shall receive compensation for their services, in proportion to the time they, or either of them may serve, out of the subscriptions to be raised by this act; not exceeding one dollar and fifty cents for each day, which they shall actually serve, in clearing out said stream.

subscription.

how appropriated.

Commissioners to give bond—

penalty—

condition,

compensation

Sec. 2. *Be it further enacted*, That from, and after the passage of this act, any person erecting, or causing to be erected, any fish dam, bridge, or other obstructions to the passage of boats up or down said stream; shall for every such offence, forfeit and pay two dollars for every twenty four hours such obstructions shall remain therein. *Provided, however*, that any

Penalty on persons placing obstructions.

Proviso, in fa

person who shall erect mills or other useful water works on said stream, with the necessary locks and slopes, to admit the free passage of boats and all other water craft shall not come within the purview of this act, as obstructing of said stream. Owner of mills

Sec. 3 *Be it further enacted*, That the commissioners under this act, shall be authorised to institute suits before the competent tribunals to recover the subscriptions under this act. Subscriptions may be recovered by suit.

CHAP. CCCLVII.

AN ACT to alter the time of session of the Warren circuit court.

APPROVED January 31st. 1812.

Sec. 1. BE *it enacted by the General Assembly of the commonwealth of Kentucky*, That the circuit court of Warren county, shall hereafter commence on the last Mondays in February, May, and August in each year, and shall sit twelve judicial days, if the business of said court shall require it.

Sec. 2. *Be it further enacted*, That all process and recognizances returnable to the first Monday in March next, shall be, and the same is hereby made returnable to the first term of said circuit court of Warren county, as fixed by this act.

Sec. 3. *Be it further enacted*, That the county court of Warren county, shall continue to be held on the first Monday in each month, as now required by law.

CHAP. CCCLVIII.

AN ACT authorising the county court of Livingston to sell and convey two small tracts of land formerly vested in them for public purposes

APPROVED, *February* 1st, 1812

§ 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Livingston is hereby authorised and empowered, to appoint three commissioners, any two of whom may act, and are hereby vested with power to sell and convey, under the order and direction of said county court, two acres of land in the town of Eddyville, on which the court house of Livingston was formerly erected; also two acres of land in Centreville, on which the court house of Livingston was formerly situated as aforesaid. And the said county court is authorised to appropriate the proceeds of said sales towards lessening the county levy. *Provided, however*, that no sale made by virtue of this act, shall in any wise affect the interest or title, that any other person may have to either of the before recited tracts of land.

County court authorised to sell and convey certain lands;

proceeds of sale how to be appropriated.

Proviso.

Sec. 2. *Be it further enacted*, That the proceeds of the sale of the two tracts of land hereby authorised, after paying the expences of sale, shall be equally divided between the county courts of Caldwell and Livingston counties, to be appropriated as above stated.

Proceeds of sale how disposed of.

CHAPTER CCCLIX.

AN ACT empowering non-resident femes covert *to convey lands & tenements by attorney in fact.*

Approved, February 1, 1812.

BE *it enacted by the general assembly of the commonwealth of Kentucky*, That from

and after the passage of this act, any non-resident *feme covert* of full age, residing in any of the United States of America, or any of the territories thereof, having title to, or interest in lands or tenements, lying or being within this commonwealth, may constitute and appoint an attorney in fact, with full power to execute deeds of conveyance, transferring all such right, title and interest; *Provided, however*, such appointment shall be made by deed in writing, subscribed, sealed and acknowledged by both husband and wife, in the presence of two justices of the peace in the county where they reside; and that said *feme covert* having been previously examined privily and apart, from her husband by the said justices; and the said writing shewn, and explained to her by them, shall declare that she did freely and willingly seal and deliver the same, and wishes not to retract it; but consents that it may be recorded, and have full force and effect. And the said justices shall annex to the said deed of attorney, a certificate under their hands and seals of such privy examination by them, and of such consent yielded by her; and the clerk of the county court of said county, shall certify that the said justices are acting justices of the peace in said county, and affix to such certificate, the seal of his county.

Non-resident femes covert may convey their lands & tenements by an attorney in fact.

Proviso.

To be privily examined by two justices of the peace.

Justices to certify the same.

Sec. 2. *And be it further enacted*, That all powers of attorney executed in conformity to the provisions of this act, shall be recorded in the office of the court of appeals of this commonwealth, together with the several attestations thereon.

Where the conveyance to be recorded

CHAP. CCCLX.

AN ACT concerning the town of Falmouth, in Pendleton county.

APPROVED, February 1, 1812.

Preamble. WHEREAS it is represented to the present general assembly, That the platt recorded in the clerk's office of the county court of Pendleton, purporting to be the plan of the town of Falmouth, is defective, and almost unintelligible: For remedy whereof,

power & duty of the trustees Sec. 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That the trustees of the said town are hereby authorised and directed to appoint some fit person to make out a complete and accurate survey and platt of said town, according to the original plan thereof, designating the lots, their numbers, size—the streets and alleys; their width, names; and where any two lots have conflicting numbers, to make such notes as will hereafter distinguish them from each other.—And the person thus appointed, shall set up at any corner or corners of said lots, stones or posts where they may be necessary. And when the plat of said town shall be completed, and approved by said trustees, or a majority of them, they shall give public notice at the court house door, in said town, at least one month preceding the county court, at which the application is to be made; that the plat so made out, will be presented for the approbation of such court. And if upon examination, said court finds said plat correct they shall direct their clerk to record the same, and certify the original to the clerk of the board of trustees for said town; who shall attach said plat to the book of proceeding of said trustees; and such plat shall,

forever hereafter, be deemed and taken, as the true and correct plan of said town: *Provided*, that nothing in this act shall be construed, to authorise the alteration of the numbers of the lots, as they now stand on the original plat.

Sec. 2 *Be it further enacted*, That the trustees of the town of Falmouth, in addition to the powers vested in them by the general laws regulating towns in this commonwealth, shall have power to shut up such streets and alleys as may appear to them, can never be beneficial or advantageous to said town; and such as by keeping open, can be of no service to the public or individuals; *provided, nevertheless*, should any person or persons owning a lot or lots in said town, think himself, herself or themselves injured, by shutting up any street or alley adjoining his, her or their lot or lots; it shall be lawful for such person or persons to apply to the court of said county for a writ, in the nature of a writ of *ad quod damnum*: which writ said court are hereby directed to grant; to be directed to the sheriff, commanding him to summon a jury of free-holders, in no wise interested nor related to either party—to enquire into the damage sustained by such person so applying, on account of shutting up any such street or alley. Which inquest shall be taken by the sheriff, and a report thereof returned to the next court for said county; who shall thereupon give judgment and award execution against the person or persons on whose application such street or streets, alley or alleys, were shut, for the amount of damages found by the jury, if any there be. And such person or persons shall cause such street or streets, alley or alleys, to be forthwith opened, if in the opinion of the jury it ought to be done.

further powers of trustees.

A tax to be levied on property.

Sec. 3. *Be it further enacted*, That for the purpose of raising a fund, for the purpose of carrying into operation the first section of this act, it shall be lawful for the trustees to levy a tax on the property real and personal within the limits of said town; and on a failure of any person to pay said trustees, the portion of tax so charged against him or her, within six months after levying such tax, the said trustees are hereby authorised and empowered, to recover the same by warrant, before any justice of the peace of the county with costs,—and such justice shall grant execution accordingly; which may be levied on any property the defendant may have within the limits of said town, real or personal. *Provided, however*, that nothing in this act shall be construed so as to authorise the trustees to levy on the property of any one person, a sum exceeding one dollar: nor in the total amount, a sum exceeding fifty dollars.

Proviso.

CHAP. CCCLXI.

AN ACT for the erection of Iron Works, and for other purposes.

Approved February 1, 1812.

Proceedings of Bath ratified.

BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That the proceedings of the Bath county court, at their October session, 1811, condemning a seat on main Slate, for the erection of Iron and other Water Works,—and on which seat a forge and other works, have been recently erected, be, and the same are hereby legalized, and made valid to all intents and purposes.

Sec. 2. *Be it further enacted*, That so much

of an act approved December session, 1794, as directs the navigation of Slate, to be kept open and free from obstruction from the mouth of Slate to Bourbon furnance, and inflicts a penalty on any person obstructing said navigation be, and the same is hereby repealed, so far as relates, or might be deemed applicable to the person or persons who have erected, or may hereafter erect Iron or other works on said seat, condemned as aforesaid. *Provided, however*, that nothing herein contained, shall be construed to affect or impair the right of any person or persons heretofore accrued, by virtue of the law hereby repealed.

Laws respecting navigation repealed.

Proviso.

CHAPTER CCCLXII.

AN ACT concerning the Auditor's Office.

APPROVED, February 1, 1812.

WHEREAS, from the inattention of the clerks and surveyors, mistakes have taken place in the numbers of certificates returned to the auditor's and register's offices for lands granted under the several laws granting relief to settlers on the vacant lands of this commonwealth; which makes it difficult for the owners to get out their grants; and in many cases, special laws are required to be passed, to remove these and other difficulties—Therefore,

Preamble.

Sec. 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the auditor of public accounts, in all cases where it shall evidently appear to him, that there has been a mistake in the number, or where there has been no No. affixed to the certificate; or where there has been a misapplication of the payment or pay-

Auditor to correct mistakes—

his duty.

ments made for any tract of land, for him to alter or affix the number, or apply the payment to the proper tract: which alteration shall be noted by him in the margin of the book or books, in which the mistake, or supposed mistake, is alledged. And he shall certify the alteration he has made, to the treasurer and register. And the register shall make the like marginal notes of alteration: and when he issues the grant, he shall express in the grant the alteration; and further mention, that the alteration is not to affect the right of any other person or persons, by reason of such alteration.

Duty of register.

CHAPTER CCCLXIII.

AN ACT concerning the bond to be executed, to make a writ of error, issuing from the Court of Appeals, a supersedeas.

APPROVED, FEBRUARY 1st, 1812.

Sec. 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That when any person intends to obtain from the court of Appeals, or any judge thereof, an order that a writ of error about to be sued out by him, shall operate as a supersedeas, it shall be lawful for such person to execute bond in the clerk's office of the court where the decision intended to be superseded is had; which bond shall be taken by the clerk of the said court, with sufficient security and in sufficient penalty, and shall be in substance as follows: Know all men by these presents that we, A. B. and C. D. are held and firmly bound unto E. F. in the sum of ——, of lawful money, to be paid to the said E. F. his executors, administrators or assigns, for which payment well and truly to be made, we bind

Bond may be executed when judgment obtained

Form of bond

ourselves, and each of us, our, and each of our heirs, executors and administrators, firmly by these presents. Sealed with our seals, and dated the ——— day of ———, in the year ———.

The condition of this obligation is such, that whereas a decree, judgment, or order, (as the case may be) was rendered at the ——— term of the ——— court, between A. B. plaintiff, and E. F. defendant, as follows:—(here insert the decree, judgment, or order,)—Now in the event of the said A. B. obtaining a writ of error with supersedeas, staying proceedings thereon, and the affirmance of the same in part or entirely, if the said A. B. shall well and truly comply with the decree, judgment, or order aforesaid, (as the case may be) as affirmed by the court of Appeals; or in case the writ of error with supersedeas be dismissed or discontinued; and shall well and truly satisfy all damages and costs, that may be awarded against him in the premises by the court of Appeals; then this obligation to be void, otherwise to be, and remain in full force and virtue. condition.

Sealed and delivered, }
In the presence of }

And the said clerk shall not accept any person as security, unless such person declares on oath (which shall be administered to him by said clerk) that he is able, after payment of all his just debts, to satisfy the bond; and if such person is accepted as security, the clerk shall endorse on the bond, that the security has taken said oath—and he shall file the bond among the papers in the case; for which services the clerk shall be entitled to receive the sum of fifty cents:—Whereupon the said clerk shall Security to take oath. duty of clerks

make out a complete transcript of the record and proceedings in the action or case, and shall certify the same, together with a copy of the said bond and endorsement annexed thereto according to law; and if the court of Appeals or a judge thereof in vacation, shall award a supersedeas on inspecting the same, the clerk of the court of Appeals, shall issue a writ of error with supersedeas accordingly.

Clerk of the court of appeals his duty.

Sec. 2. *And be it further enacted*, That nothing herein contained, shall prohibit any person so inclined, from entering into bond in the clerk's office of the court of Appeals as heretofore, in order to make a writ of error a supersedeas; but it shall be the duty of the clerk of the court of Appeals, not to accept any person as security in such bond, unless he will take an oath, that he is able, after payment of all his just debts, to satisfy the same; which oath, the said clerk is hereby authorised to administer, and when administered, to make an endorsement on said bond accordingly.

Bonds may be executed in the office of the clerk of the court of appeals.

Clerk court of appeals, his duty.

CHAP. CCCLXIV.

AN ACT to amend the several Laws concerning the Town of Frankfort.

APPROVED, February 1st, 1812.

§ 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That it shall be lawful for the inhabitants of the town of Frankfort, who would be entitled to vote for representatives to the legislature, to choose annually on the first Saturday in March, *seven* trustees: which election shall be conducted by one or more of the acting trustees, to be appointed by the board for that purpose;

When, and how many trustees to be elected.

and the return of the persons elected, shall be made to the clerk of the board of said trustees —which shall be recorded in their books.— They shall continue in office until their successors are appointed. Previous notice of the election shall, by the clerk of the board, be given by advertisement at the market house and in some news-paper printed in said town.

Return of election to be recorded—

notice of election.

§ 2. No person shall be a trustee of said town, unless he be a free-holder or house-keeper therein.

Trustee must be a freehold er—

§ 3. In case of a vacancy in the board of trustees, or of a failure to elect trustees on the day herein directed, a new election shall be held to supply such vacancy or omission, as before directed; except that the time and place of holding the election, shall be fixed on by the remaining or former trustees, as the case may be.

vacancy how filled.

§ 4. The trustees before they enter upon the duties of their office, shall each take an oath to discharge the duties of their office as a trustee, without favor, affection, or partiality.

Trustees to take oath.

§ 5. The trusteess shall meet once in each month, and as much oftener as they may think proper. If any trustee shall be absent for three stated meetings, without good cause, his seat may be declared vacant, by a majority of all the trustees concurring therein.

To meetonce a month—

§ 6. A majority shall be sufficient to form a board, and to do all business except otherwise directed in this act.

majority form a boafd.

§ 7. They shall appoint a clerk; who shall continue in office until the succeeding board of trustees are organized; but for good cause may be removed from office. He shall, before he enters on the duties of his office, take an oath before some member of said board,

Appoint a clerk.

to take oath

his duty.

(which they are hereby authorised to administer) that he will, to the best of his skill and abilities, make true entries of the proceedings of said board—That he will safely keep the books and papers which shall come to his hands as clerk; and faithfully discharge the duties of said office. The board may, if they think proper, require bond and security of him for the true and faithful discharge of the duties of his office, or any other written undertaking to that effect, which they may deem proper.

Keep streets in good repair

§ 8. The trustees of said town, shall keep the streets and alleys in said town in good repair: and on failure, they may be proceeded against and fined, in the same manner as overseers of the highway.

Regulations respecting market.

§ 9. They shall have power to erect and repair a market-house; to appoint a clerk of the market; to prescribe his duties—To make bye-laws and ordinances, for the government of the market; and to affix penalties to the breach thereof, not exceeding ten dollars. To establish a nightly watch in said town—to prescribe their duties. To authorise a watchman to arrest and confine in a watch-house for the night, any person who may be found acting disorderly or suspiciously in the night. To make regulations concerning the meetings of slaves in said town; and to make such other rules and regulations for the government of said town, as they may deem necessary to the health, peace or security of the inhabitants: provided they be not inconsistent with the laws and constitution of this commonwealth.

Concerning bye laws.

§. 10. No bye-law or ordinance, made by said board shall be effectual, until published twice in some news-paper printed in said town.

§ 11. No fine for the breach of a bye-law, shall exceed fifteen dollars; but this shall not prevent a recovery for a new breach of any bye-law, nor contravene the provisions of the 12th section of this act. Regulation about fines.

§ 12. They shall have power to cause foot-ways to be paved in any street, at the expense of each proprietor in front of whose ground such pavement is made, whenever the proprietors of two-thirds of the front ground of any square, shall petition therefor. Foot ways to be paved

§ 13. The trustees shall, in the month of March in each year, appoint two or more persons to take lists of the free male inhabitants of said town, over the age of twenty one years; and to assess the value of the real and personal property in said town, on the first day of April in said year. The assessors before they act, shall be sworn to do their duty faithfully, impartially, and to the best of their judgment. lists of whites to be taken

§ 14. The trustees shall have power to lay a poll tax on the free male inhabitants of said town, over the age of twenty-one years, not exceeding one dollar a year—To lay a tax on the real and personal property in said town, any sum not exceeding 25 cents for every 100 dollars of the assessed value of such property. To lay poll tax.

To impose a tax on any person who, for compensation, may exhibit any shew or feat in said town; provided the same do not exceed the sum of $10 a day for any shew or feat.—*Provided, however*, that no tax shall be laid in any case, without the concurrence of five of the trustees. tax on show men

§ 15. Nothing in this act contained, shall authorise the trustees to impose a tax upon any public buildings, or upon any public office, or on the bank of Kentucky, or on any other incorporated company. No tax on public buildings.

Regulations for collecting taxes.

§ 16. For collecting all taxes of said town, the said trustees and their successors, shall have power to appoint a collector or collectors, and stipulate the compensation for collecting; who shall give bond with good security, in a reasonable penalty, for the faithful performance of his duty as collector, payable to the said trustees and their successors; and if the said collector shall be found delinquent, he shall be liable to pay at the rate of twenty per centum per annum on the money unaccounted for by him, from the time it should have been paid—recoverable in the county of Franklin by motion, on ten days previous notice given to said collector, and his security or securities; and the execution on the said judgment, shall be endorsed by the clerk that—'No security is to be taken:' which shall be obeyed accordingly.

§ 17. The trustees shall also have power to prescribe a time in which the taxes shall be paid; and in case of failure, to add a per centage not exceeding the rate of 12 1-2 cents on the delinquents, for defraying the expenses of collections. The collector of the town tax may, after such time as shall be fixed by the trustees aforesaid, proceed to collect the tax by distress and sale of goods and chattels, or slaves of the debtor, in the same manner as the sheriff may by law distrain and sell for taxes due this commonwealth—They may distrain and sell slaves, goods and chattels found on any real estate, for which taxes may be due and unpaid, belonging to any person claiming or holding the premises under the person from whom the tax may be due. But if any tenant shall thus be compelled to pay any tax due from his landlord, the landlord shall on request,

Further regulations regarding taxes

reimburse the tenant the amount of such payment; and if sufficient be not found on the premises within one year to discharge the tax, the collector may then proceed to sell, at the market house, such real estate, or so much thereof, as will be sufficient to discharge the same with the costs of sale: *Provided*, the time and place of sale, shall be advertised at least twice a month for three months, before the day of sale, in some news-paper printed in said town. But such real estate shall be redeemable at any time within three years from the time of sale upon the owner or any one for him, paying the amount of such tax and costs, and an interest thereon at the rate of 100 per cent a year, and also, all taxes that have become due thereon subsequent to the sale—*Provided also*, that in case the real estate of any infant be sold, such infant, or any person on his behalf, shall be allowed three years after such infant shall arrive at the full age of twenty-one years, to redeem said property, upon paying the amount of the tax and costs, for which such estate was sold, without interests, and also all taxes that have become due thereon subsequent to the sale.

Trustees to disburse monies.

§ 18. In the expenditure of the money hereby authorised to be raised, the trustees aforesaid may make such dispositions and appropriations, as they may deem most conducive to the interest and well being of said town—*provided* four trustees concur therein.

Printed statement of the receipts and expenditures, to be distributed.

§ 19. The trustees shall, within one month previous to the annual election, distribute to the citizens of said town, a printed statement of the receipts and expenditures of that year, and of the arrearages due to, or from the trustees, of not more than five years standing.

Penalty for

§ 20. If any person shall be guilty of running

racing & shooting. or racing a horse in the streets; playing or throwing bullets, or shooting at a mark, within the inlots of said town; such person shall, for every such offence, if a white person, forfeit and pay three dollars—to be sued for and recovered as hereafter directed: And if a slave, shall be whipped at the discretion of a justice of the peace, not exceeding fifteen lashes.

Regulations respecting free negroes. § 21. *And be it further enacted*, That whenever information shall be lodged with the trustees, that any free negro, mulatto or person of color, is, or shall be going at large, or harboring within the said town, without any visible means of subsistence; or if any such person be disorderly or riotous, or keep a disorderly or riotous house, the said trustees may, by order made in the board, cause such person or persons to be apprehended and committed to jail, or bailed to appear at the next county court, who have, and shall have, authority to enquire into such allegation, and to discharge the person accused as aforesaid, or order him or her to be hired by the sheriff to the highest bidder for any time not exceeding one month: and the money raised by such hiring, shall also be paid to the said trustees, and go in aid of the funds of the said town.

§ 22. The trustees, or any officer by them authorised, may punish by stripes, not exceeding ten lashes, any slave that may in the night time, be found in said town off of the premises of his or her master or mistress, without a pass or reasonable excuse therefor.

Respecting slaves— § 23. If any slave shall be found going at large in said town, working for himself or herself, or contracting or dealing for him or herself, for more than one day at a time, (any colorable or pretended hiring to the contrary not-

withstanding) it shall be lawful for the trustees of said town, or for any two justices of the peace, to cause such slave to be hired out to the highest bidder, for the term of ten days; or to commit such slave to jail for ten days and until his or her prison fees are paid by his or her owner. The money received for such hiring, shall go in aid of the funds of said town.

§ 24. All fines imposed by this act, or by any bye law of said trustees, may be recovered in the name of the trustees of said town, or in the name of such person as they may direct. All fines received by them, shall go in aid of the funds of the town—They shall be recovered by suit before a justice of the peace, subject to an appeal as in other cases for a similar amount.

No power over South Frankfort.

§ 25. Henceforth the trustees of the town of Frankfort, shall not have or exercise, any power or authority over either persons or property, within South Frankfort.

All acts coming in the purview of this act, shall be, and is hereby repealed.

CHAPTER CCCLXV.

AN ACT concerning a house of public worship in the town of Frankfort.

Approved, February 4th, 1812

Preamble.

WHEREAS, in pursuance of the fourth section of the act, entitled "an act to amend the several acts of Assembly, concerning the town of Frankfort," the trustees of the said town, were authorised to cause a house of public worship to be erected by way of subscription or otherwise, on the public square therein, on such place as the governor should deem least incommodious to the buildings of

the commonwealth. And whereas, the governor did, on the 31st day of July last, designate a piece of ground within the said square, and the trustees aforesaid, did by their order, appoint commissioners for the purpose of erecting the said house; who obtained considerable subscriptions, and expended the same towards erecting the said church or house of public worship; but not having sufficient funds subscribed are unable to complete the same: Therefore,

Managers—

Sec. 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That it shall and may be lawful, for Harry Innis, Christopher Greenup, John Brown, Daniel Weisegar, George Madison, Martin D. Hardin and Thomas V. Loofburrow, or a majority of them, to raise by way of lottery, in one or more classes, as to them shall seem necessary, any sum not exceeding four thousand dollars, to be applied towards completing the said house of public worship, and the incidental expences attending the same. And the said Harry Innis, Christopher Greenup, John Brown, Daniel Weisiger, George Madison, Martin D. Hardin and Thomas V. Loofburrow, or such of them as may choose to act, are hereby bound to pay within four months from the time of drawing, to the fortunate person or persons who may be entitled to receive the same, all such prizes as may be due to them, agreeably to the scheme which may from time to time be agreed on by the said managers; and in case of failure shall be liable to the action of the party aggrieved. The said lottery shall be drawn in the town of Frankfort, at such place as the managers may appoint, of which they shall give due notice of the time and place of drawing; and be superintended by two or

Sum—

Managers' duty.

Where to be drawn—&

Notice—

Trustees' duty.

more of the trustees for the time being, of the said town, whose duty it shall be to see the said lottery fairly and properly conducted. Each of the said managers, examiners and clerks, shall, before the drawing commences, take an oath to act fairly and impartially in the discharge of their several duties; which oath may be administered by any justice of the peace for the county of Franklin. If the said lottery or any class thereof, be not drawn within two years after the scheme thereof be agreed on, that then the same shall cease, and the purchasers of tickets therein, may demand and receive from the person or persons receiving the same, all monies they may have paid for tickets in the said lottery.

Oath.

Money to be refunded if lottery not drawn.

Sec. 2. *And be it further enacted*, That the said house of public worship, shall be vested in Harry Innis, Christopher Greenup, John Brown, Daniel Weisiger, George Madison, Martin D. Hardin and Thomas V. Loofburrow, and their successors forever, in trust for the uses hereinafter mentioned; who shall be styled "The trustees of the house of public worship in the town of Frankfort." And on the death, resignation or removal out of the county of any of the said trustees, a majority of those remaining, are hereby authorised to fill such vacancy; and the person so chosen, shall possess the same powers as the original trustees appointed in virtue of this act.

House in whom vested.

vacancies how filled—

Sec. 3. *And be it further enacted*, That the said trustees shall have power to proceed in finishing and completing the said house of public worship, in such manner as they may deem proper—the expence whereof to be defrayed out of the monies to be received from the proceeds of the said lottery, and by donations, which they are hereby empowered to re-

Power of trustees,

ceive;) and to make such rules and regulations for the preservation and government thereof, as they shall adjudge expedient. *Provided, and be it further enacted,* That nothing herein contained, shall give the said trustees power to grant the exclusive right or privilege, to any sect or denomination whatever, to perform divine service in the said house of public worship; but the same shall be open and free for any sect or denomination, who may apply for that purpose, and who shall perform divine service therein in a regular and orderly manner. *And provided also,* that the said trustees may give a preference to any minister who may be employed by a majority of the citizens of the said town, to perform divine service at stated times therein.

Trustees restricted

Sec. 4. *And be it further enacted,* That the said trustees shall keep a just account of their receipts and expenditures, and shall also keep a journal of their proceedings, which may be inspected by any person who may be interested or requiring the same; and may appoint a clerk to attend them, and to prescribe the duties to be performed by him, in such manner as they shall adjudge proper.

Trustees to keep accounts

CHAPTER CCCLXVI.

AN ACT for the relief of Andrew M'Castlin.

APPROVED, February 4th, 1812.

Preamble

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that Andrew M'Castlin of Wayne county, has made considerable progress in digging for salt water, on a small tract of land on which the said M'Castlin now resides; and if the said M'Castlin shall succeed

in getting a sufficient quantity of water for making salt, the wood on his own land is insufficient to enable him to carry on the business of making salt, to any considerable extent: Therefore

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said M'Castlin, may against the first day of July next, cause to be surveyed by the surveyor of Wayne county, in any number of surveys not exceeding three, and in such way as no one survey shall be more than twice as long as broad, any quantity of waste and unappropriated land, adjoining the tract of land, whereon he is digging for salt water; or within two miles, if not to be found in a shorter distance. And upon his causing said land to be surveyed, he shall cause to be transmitted to the register's office against the first day of January next; the platt, or platts and certificate or certificates, of survey or surveys.

By the first of July to survey and in what manner.

Sec. 2. *Be it further enacted*, That said M'Castlin shall pay into the treasury of this Commonwealth, twenty dollars for every hundred acres he may cause to be surveyed as aforesaid; the payment to be made in four equal annual instalments—the first instalment to be paid within twelve months from the time of executing the first survey.

Pay twenty dollars per hundred acres in four instalments.

Sec. 3. *Be it further enacted*, That upon said M'Castlin producing to the register, the auditor's quietus for the payment of the amount for the land, which may be surveyed as aforesaid, the register shall issue a grant for the same as in other cases; but should said M'Castlin fail to pay any instalment as it becomes due, he shall forfeit all right to said land.

Register, his duty—

not to include any actual settler;

Sec. 4. *Be it farther enacted*, That nothing herein contained shall be so construed as to authorize said M'Castlin, to include in any survey permitted to be made under this act, any actual settlement, or any part of two hundred acres of land to be laid off in a square at the cardinal points including such settlement in the centre, or to interfere with any previous claim whatever—And that should said M'castlin survey, or procure to be patented, any land, not strictly conformable to the provisions of this act, that all such surveys or patents, shall be utterly void, so far as the same may be vacant from the provisions hereof.

CHAP. CCCLXVII.

AN ACT authorising the Judges of the Mason Circuit Court to hold an additional term.

Approved February 4, 1812.

Additional term when to commence.

BE *it enacted by the general assembly of the commonwealth of Kentucky*, That the judges of the Mason circuit, or a sufficient number thereof to constitute a court for the trial of criminal cases, shall, and they are hereby authorised and empowered, to hold an additional term for their circuit, to commence on the 24th day of February, 1812; and to continue in session six days, if the business hereinafter assigned them, shall require it.

Cognizances designated.

§ 2. *Be it further enacted*, That the said court shall, at their said February term, have cognizance only of cases of felony and misdemeanor which may then be depending in said circuit—And the officers of said court shall give their attendance accordingly.

CHAP. CCCLXVIII.

AN ACT to amend an act for establishing a mutual Assurance Society against Fire on Buildings in this commonwealth.

APPROVED, *February* 4, 1812.

§ 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That the subscribers (for establishing a mutual assurance society against fire on buildings in this commonwealth) may, so soon as the sum subscribed shall amount to Seven Hundred Thousand Dollars, cause a meeting of the subscribers (having first advertised the time and place of meeting) and proceed to the appointment of officers and organization of said society, and cause its operations to be commenced and prosecuted under this, and the provisions of the before recited act.

Upon the subscription of a certain sum, the subscribers authorised to meet, elect officers, and proceed to business.

§ 2. *Be it further enacted*, That the said society is hereby authorised and empowered, to insure the property, whether real or personal estate, goods, wares or merchandize, raw materials, manufactured articles, machinery, tools of mechanics or manufacturers, and every other species of property whatever, whether the same belong to subscribers or non-subscribers, upon such terms and conditions as the President and Directors of said society may impose—not inconsistent with the provisions of the before recited act: *Provided however*, that the funds arising from such insurance, shall be appropriated and applied as directed by the act of incorporation.

Authorised to insure property, real & personal.

Proviso.

CHAPTER CCCLXIX.

AN ACT, further to amend the act, concerning the town of Glasgow in Barren county, and Elizabeth town in Hardin county.

APPROVED, February 4, 1812.

Sec. 1. BE *it enacted by the General Assembly of the commonwealth of Kentucky*, That if the electors of the said town shall fail to hold their annual election at the court house on the first Monday in May, for the purpose of electing trustees; it shall, and may be lawful, for a majority of the former trustees thereof, to appoint some other day in said month for the purposes aforesaid; of which day, they shall cause at least ten days previous notice to be given by advertisement, at three of the most public places in said town. And the said election, and all future elections for said town, shall be conducted by the clerk of the board of trustees, who shall give the casting vote, when there are two or more candidates that have an equal number of votes.

Regulations concerning the town of Glasgow.

Sec. 2. *And be it further enacted*, That it shall be the duty of the said trustees, to appoint an overseer or surveyor within the said town; whose duty it shall be to keep the streets of said town in good repair; to call on the male inhabitants of said town, who are fifteen years of age and upwards, to attend such place, and at such time as he may direct, with proper tools to work on the streets, and keep the same in good repair: and any person thus notified, who shall fail to attend and work on the streets, or to furnish an able bodied substitute, or attending and refusing to work without a good and sufficient excuse, shall be subject to a fine of one dollar; to be recovered before any jus-

Power and duty of the trustees.

tice of the peace for the county of Barren, by a warrant in the name of the overseer, who shall put the same into the hands of the collector of said town; who shall execute the same, and make due return thereof; and shall collect and account for all monies arising from said fines, and for every other breach of the bye-laws of said town; in like manner as the taxes are collected by him, and accounted for the several sums so collected from time to time, to the said board of trustees. And in case of the absence of the collector, the warrant or warrants shall be directed to the sheriff of the county or any constable thereof, who shall execute the same, and make due return thereof; and shall also collect and account for the fines in the same manner the collector should do. And the said trustees shall allow the collector a reasonable per centum on all monies collected by him. And the said overseer, before he enters on the duties of his office, shall take an oath (to be administered by one of the trustees) that he will faithfully discharge his duty, without favor, affection, or partiality; and shall be subject to the penalty of two dollars and fifty cents, for failing to keep the streets in good repair; to be recovered by warrant, in the name of the trustees of the board, and shall be collected and accounted for as other fines.

Regulations concerning Elizabeth town.

Sec. 3. *And be it further enacted*, That the overseer or surveyor appointed, or hereafter to be appointed by the trustees of Elizabethtown, Hardin county; whose duty it shall be to keep the streets of said town in good repair, and call on all male inhabitants of said town, who are fifteen years of age and upwards, to attend such place, and at such times as he may direct, with proper tools to work on the streets

and keep the same in good repair; and any person thus notified, who shall fail to attend and work on the streets, or to furnish an able bodied substitute, or attending and refusing to work without a good and sufficient excuse, shall be subject to a fine of one dollar; to be recovered before any justice of the peace for the county of Hardin, by a warrant in the name of the overseer—who shall put the same in the hands of the collector of said town; who shall execute the same and make due return thereof, and shall collect the same, and account for all the monies arising from said fines, to the trustees of said town: and by them appropriated to keeping the said streets in good repair.

Sec. 4. *And be it further enacted*, That the overseer thus appointed by the trustees of said town, before he enters on the duties of his office, shall take an oath (to be administered by one of the trustees) that he will faithfully discharge his duty without favour, affection or partiality; and shall be subject to the penalty of ten dollars, for failing to keep the streets in good repair, to be recovered by warrant, in the name of the trustees of said town, before a justice of the peace for Hardin county; and collected by the collector of said town—accounted for, and appropriated as the fines are before mentioned.

CHAP. CCCLXX.

AN ACT authorising the location of certain Seminary Lands, and for other purposes.

APPROVED, February 4th, 1812.

§ 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*,

That the trustees or county courts of all those counties who have not completed the location, surveying and registering their donation seminary lands, have the further term of two years to perform the same. *Provided however*, that nothing herein contained, shall authorise the location of any such claim upon land upon which any person is actually settled, with two hundred acres around the same, running to the cardinal points. *And provided also*, that no such claim shall be located upon any of the land secured by the treaties of Tellico or Highwassee; and that all such claims be, in all things, subject to the rules, restrictions and regulations heretofore established by the laws in relation to such claims.

Trustees and county courts allowed further time to locate their seminary lands.

Proviso in favor of settlers.

Proviso.

§ 2. *And be it further enacted*, That the justices of those counties which have been erected since the passage of the act authorising each county court in this commonwealth to locate and survey six thousand acres of land, for the use of seminaries of learning, shall be entitled to locate and survey the same quantity of vacant and unappropriated lands, under the same regulations and restrictions as provided in the said recited act.

Certain counties may yet locate.

§ 3. And when any entry and survey of seminary lands, made before the passage of this act, shall have included any actual settler, such actual settler, before evicted therefrom, shall be paid for their improvement. And in order to ascertain the value of such improvement, the circuit court of the county in which such improvements are made, upon the application of either party, shall appoint seven fit persons commissioners; who, or any five of them, at the request of either party, after reasonable notice given the adversary, and being

Actual settlers to be paid for improvements.

first sworn before the court, or some justice of the peace, shall proceed to assess the value of such improvements and make report thereof to the court appointing them; which report shall be a record of said court. And all improvers, or owners of such improvement, shall retain possession thereof, until the value of such improvements are paid for—And if the county court, or trustees of any seminary, or any other person claiming such improvement by virtue of a seminary claim, shall, for the space of six months after report made, fail or refuse to pay for the value of the improvements, agreeable to the assessment of the commissioners by this act directed to be appointed, such failure or refusal shall be considered and deemed, a relinquishment of their claim; and the land vacant, and subject to the disposal of the commonwealth.

Settler to retain possession till paid

Size of the survey

§ 4. *And be it further enacted*, That no entry or survey shall be made, or patent issue for any less quantity of seminary lands, than one hundred acres in one survey: Nor shall any grant be issued to any other person or persons, other than to the trustees.

To whom grant shall issue.

CHAPTER CCCLXXI.

AN ACT for the appointment of commissioners to sell part of a lot of ground in the town of Winchester, in the county of Clarke, and for other purposes.

APPROVED, FEBRUARY 4th, 1812.

Sec. 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Scott and John Ward,

of the county of Clarke, gentlemen, be, and they are hereby appointed commissioners, with full power and authority to amend the plan of the town of Winchester, in the said county, by extending Short street across Market street, and through the jail lot to Water street. Commissioners appointed. Powers.

Sec. 2. *And be it further enacted*, That the said Thomas Scott and John Ward, are hereby further empowered as commissioners aforesaid, to expose to sale on a credit of six months, all that part of the jail lot which may be on the lower side of the said Short street, when the same is extended across to Water street, by giving two months notice by advertising on the court-house door of the said county, on the first day of two several courts prior to the day of sale, of the day and hour on which the said sale shall commence and be made. And they are further authorised to take bond and security for the amount of the purchase money, of the purchaser or purchasers, payable to the county court; and which money may be collected by motion in the circuit court of said county, by giving ten days notice; and which, when collected, shall, by the county court, be applied to the use of said county. Further authority given them.

Sec. 3. *Be it further enacted by the authority aforesaid*, That hereafter the trustees of the town of Winchester, or a majority of them, or their successors in office for the time being, shall be, and are hereby invested with full power and authority to assess, levy and collect, on the property within said town, real or personal, any sum not exceeding the sum of five hundred dollars in each year. The mode of assessment, and the species of property on which the said assessment shall be made, to be prescribed by the bye-laws which may be Power of the trustees. To levy taxes

enacted by the said trustees; which said sum assessed and levied, shall be subject to appropriations by the said trustees, towards the improvement and benefit of said town.

To appoint a collector—who shall give bond.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the said trustees shall appoint a town collector as often as shall be necessary; who shall enter into bond and security, in the penalty of eight hundred dollars, payable to the trustees and their successors:

Condition.

conditioned to collect and account for the taxes put into his hands, by the time said trustees shall appoint in their bye-laws.

Duty of collector.

It shall be the duty of said collector, so soon as the lists of property shall be delivered to him by the direction of said trustees, to proceed to collect and receive from the owners of such property so taxed, the amount of taxes so due; and on failure or refusal to pay, the said collector shall possess all the powers to distrain and sell, as sheriffs do in collecting the revenue tax of this commonwealth; and the said collector shall make distress and sale in case of failure or refusal, under the same rules and regulations, as govern sheriffs in case of failure or refusal to pay revenue tax; and the said collector shall be entitled to the same fees for distress as sheriffs are.

his fees

and allowance

Sec. 5. *And be it further enacted by the authority aforesaid*, That the trustees aforesaid, may give the town collector such commission for collecting the taxes of said town, as they may adjudge proper.

Collector to account to the trustees.

Sec. 6. *And be it further enacted*, That the town collector shall account with, and pay to the treasurer to be appointed by the trustees, the amount of taxes due, for which he has received the lists aforesaid, after deducting

his insolvent lists, on or before the day to be appointed by a bye-law of the trustees as aforesaid: which day shall be mentioned in the condition of the collector's bond: On failure whereof, the trustees may, prosecute a suit on said bond, in the circuit court of Clarke county, or other court having jurisdiction in similar cases; and shall be entitled to recover of the said delinquent collector, and his security or securities, the full amount of the taxes due, agreeably to the lists delivered to said collector, without allowing any deduction for delinquencies, together with fifteen per centum damages on the amount of the sum recovered, and costs of suit; on which judgment, execution may be issued with an endorsement, that "No security is to be taken."

On failure—taxes may be recovered by motion in circuit court.

Sec. 7. *And be it further enacted by the authority aforesaid,* That the said town collector shall, and may collect the arrearages of taxes for any year or years, during five years after they become due.

CHAP. CCCLXXII.

AN ACT for the benefit of Phillips, and Samuel Caldwell.

APPROVED February 4th, 1812.

Sec. 1 BE *it enacted by the general assembly of the commonwealth of Kentucy,* That Samuel Caldwell and Phillips Caldwell, shall be, and they are hereby authorised to pay to the state, for the one thousand acres of land which they have surveyed under a law approved the 19th of November, 1801, entitled "an act concerning Phillips and Samuel Caldwell," as other head right settlers are now, or may, by subsequent laws, be allowed to pay for their lands; and on the said

May pay for their lands in instalments

Samuel Caldwell and Phillips Caldwell, paying the full amount of the state price due on said tract of land, as above directed, they shall be entitled to a patent from the commonwealth for the same. *Provided however*, that nothing in this act shall authorise a reduction of the price on which said land was appropriated.

Proviso.

Proviso. *And provided*, that should said Samuel and Phillips Caldwell use the indulgence in this act given them, to pay the monies due for the lands, in that case no grant or grants, they, or their assignee or assignees, or their heir or heirs, may obtain, shall affect the right or title of any other person or persons, claiming in virtue of a military grant or grants, or surveys of military claims, entered and surveyed within the time allowed by law to enter and survey military warrants.

CHAPTER CCCLXXIII.

AN ACT for the relief of Joseph Chaffin, and others.

Approved, February 4th, 1812.

Recital

WHEREAS it is represented to the present general assembly, that Joseph Chaffin is the proprietor of a tract of land of twelve hundred acres, in the county of Ohio, on Rough creek, entered in the name of Nancy M'Donald, Catharine M'Donald and Rebecca M'Donald; and it was out of his power to have the land surveyed in the time prescribed by law; but on the ninth day of October, in the year 1800, he had the said entry surveyed, and duly recorded in the surveyor's office in Ohio county; and the register refuses to receive the platt and certificate, or issue a grant thereon. For remedy whereof,

Sec. 1. BE *it enacted by the general assem-*

bly of the Commonwealth of Kentucky, That the register be, and he is hereby directed to receive into his office the platt and certificate, and issue a grant thereon, as in other cases. *Provided*, that nothing contained in this act, shall be construed to give any validity to the grant therein contained, over any other claim to lands that has been surveyed under the then existing laws.

Register to receive platt & certificate

Proviso.

Sec. 2. And whereas it also appears, that George Derrett is the proprietor of an entry of twelve hundred and forty-eight and one half acres of land, entered in the name of Thomas M'Carty, on the second day of July, 1783, on Little Kentucky; which has never been surveyed, as is represented by the fraud or mistake of the said Thomas M'Carty, who was only the locater.

G. Derrett, Recital

Be it therefore further enacted, That the said George Derrett be, and he is hereby authorised to cause a survey thereof to be executed by the proper surveyor, and returned to the register's office, upon which the register shall issue a grant. *Provided*, that the same shall not give any validity to any portion of the claim in the name of said M'Carty, as shall interfere with any claim regularly carried into grant.

May execute a survey—

Which shall be returned & grant issue

Proviso.

Sec. 3. *Be it further enacted*, That Thomas Tobin be authorised to survey an entry of four hundred acres of land, part of a treasury warrant No. 5166, on the south fork of Hardin's creek, adjoining J. Hite's entry, on the lower side that joins John Hardin's entry, and return the same to the register's office; upon which the register may issue a grant as in other cases. *Provided*, that the same shall give no validity to said claim, over any claim to lands that has been surveyed and carried into grant under the land laws of this common-

T. Tobin may survey

To be returned

Proviso

wealth: *Provided*, that nothing contained in this act, shall invest in the grantees any land that may be included within their survey, that is not, when legally surveyed, within their respective entries. *Provided however*, that should the said Derrett and Chaffin not be legally and properly entitled to the lands under, and in virtue of the warrants, nothing in this act shall give them a right to the land; but their grants shall be taken for the benefit of the rightful owner or owners of the warrants, who are hereby authorised, if they or their heirs shall think proper, to contest the right of the said Chaffin and Derrett. *And provided*, that nothing in this act contained, shall be so taken, as to give the grantees, or those who may have a right to the land, or those who may claim under the said Chaffin or Derrett, any right to any lands included in their grants, which would not be properly included in the survey agreeably to entry.

Proviso

Proviso

CHAPTER CCCLXXIV.

AN ACT more effectually to suppress the practice of Duelling.

APPROVED, *February 4th*, 1812

Preamble

WHEREAS, the commonwealth have repeatedly sustained great and irreparable injury in the loss of some of her best, and most valuable citizens—inroads have been made in private families—their peace, happiness, and domestic felicity destroyed, by the present inhuman practice of duelling; a practice contrary to the precepts of morality, religion, and civil obligation—which originated in a barbarous age—fostered by savage policy, and only perpetuated in this enlightened era, by mistaken ideas of honor; For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That to all officers in, and belonging to the legislative department of government, who shall hereafter be elected; before they enter upon the discharge of the duties of their aforesaid office, the following oath, in addition to what is now by law directed, shall be administered to them: "That he or they, (as the case may be) have 'neither directly nor indirectly given, accepted, or knowingly carried a challenge, to any 'person or persons, to fight in single combat 'or otherwise, with any deadly weapon; either 'in, or out of this state, since the first of A'pril, 1812; and that he or they, will neither 'directly nor indirectly give, accept, or know'ingly carry a challenge to any person or per'sons, to fight in single combat or otherwise, 'with any deadly weapon; either in or out of 'this state, during their continuance in office." And upon their refusing to take the oath aforesaid, their office shall be vacated, and shall be filled in the same manner as if they had resigned.

Legislativ department

Oath.

Sec. 2. *Be it further enacted*, That all officers in the executive department of government, as well civil as military, who shall hereafter be appointed and commissioned, shall, in addition to the oath already to be administered, take the oath prescribed in the first section of this act. And those who are not now directed by law to be sworn; shall also, before they enter upon the discharge of the duties of their aforesaid office, take the aforesaid oath. And upon their failing or refusing to take the aforesaid oath, their office shall be vacated, and filled in like manner as if they had resigned.

Executive department.

Sec. 3. *Be it further enacted*, That all offi-

Judicial department.

ers in the judicial department of government, who shall hereafter be appointed and commissioned, shall, before they enter upon the discharge of the duties of their aforesaid office, take the oath prescribed in the first section of this act; and upon their failing or refusing so to do, their office shall be vacated, and filled in like manner as if they had resigned.

Attornies at law.

Sec. 4. *Be it further enacted*, That to all and every person, who may hereafter desire to practice as an attorney or counsellor at law in any court of this commonwealth, in addition to the oath already by law to be taken by them, the oath prescribed in the first section of this act, shall be administered to them; and upon their failing or refusing to take said oath, they shall not be permitted to practice as an attorney or counsellor in said court.

Certificate of oath to be recorded—

when.

Sec. 5. *Be it further enacted*, That each and every one, who by virtue of the provisions of this act, shall administer an oath or oaths, to any person or persons, shall return a certificate of such oath to the clerk of the county court where such oath is administered, within thirty days; to be by him recorded in a book to be kept for that purpose.

CHAP. CCCLXXV.

AN ACT to amend the Law of proceedings in Civil Cases.

Approved February 4, 1812.

In local actions writs may issue to any county.

Sec. 1. BE *it enacted by the general assembly of the commonwealth of Kentucky*, That in all actions for trespasses committed on land, and every other species of action or suit, deemed and considered local at common law; it shall be lawful to issue a writ

or writs of *capias ad respondendum*, from the clerk's office of the county where the injury was committed, against the defendant or defendants, to any county or counties in this commonwealth: but in declaring in every such action, the plaintiff shall not set forth any matter or thing, which might be the cause of any transitory action. Proviso.

Sec. 2. *Be it further enacted by the authority aforesaid*, That in case the original writs in the first section mentioned, should not be executed, it shall be lawful to issue such other process to any county in this commonwealth, as are usually issued in such actions, to enforce the appearance of such defendant or defendants. And *alias* and *pluries* writs.

Sec. 3. *And be it further enacted by the authority aforesaid*, That in all and every species of suit or action, commenced in any of the courts of this commonwealth, having jurisdiction thereof, if the defendant or defendants shall remove out of the county where the action was commenced, and the same shall be certified by the sheriff or other officer, to whom the process was directed, it shall be lawful to issue an *alias* writ, and every other legal process necessary to enforce the appearance of such defendant or defendants, directed to the sheriff or other proper officer, of any county in this commonwealth. Proceedings where defendant removes

Sec. 4. *Be it further enacted*, That in every species of personal actions, where there are more than one defendant, the plaintiff commencing his action in the county where either of them reside, may issue any writ or writs, directed to any county where the defendants, or any of them, may be found. *Provided*, that should a verdict not be found against the de- In personal actions where there are more than one defendant Proviso

fendant or defendants, resident in the county where the action is commenced, judgment shall not be rendered in such action.

Certain species of actions not to die with the person—but may survive, and be revived.

Sec. 5. *Be it further enacted by the authority aforesaid,* That hereafter no species of action for personal injuries, shall cease or die with the person, except actions for assaults and batteries, slander, criminal conversation, and so much of the action for malicious prosecution as is intended to recover for the personal injury; but that for any other injury than those herein excepted, an action may be brought and maintained by executors or administrators, or against executors and administrators, in like manner with causes of action founded upon contract. And upon the decease of either plaintiff or defendant, to any actions which, by the provisions of this section, will not die with the person, it shall be lawful for such action to be revived in the name of the executors or administrators of the deceased, in the same manner, subject to the like proceedings, as in cases which heretofore survived to the executors or administrators of the deceased, may be.

Where persons are sued as joint, or as joint and several obligors

Sec. 6. *Be it further enacted by the authority aforesaid,* That in all cases where several persons are sued as joint obligors in the same writing, or as joint and several obligors, and the sheriff or other officer, shall return on any process issued against any of the defendants, that such defendant "is not an inhabitant of his county," the plaintiff may proceed to judgment against the other defendant or defendants, without any further proceedings against the defendant or defendants, so returned "not found."

Assignments of bonds, &c

Sec. 7. *Be it further enacted by the authority aforesaid,* That where any person is sued upon a bond or other writing, by an assignee

thereof, it shall not be lawful for the defendant or defendants, to require of the plaintiff or plaintiffs, proof of the assignment or assignments, unless the defendant or defendants shall annex to the plea, denying such assignment or assignments, an affidavit stating, that such defendant or defendants, verily believes that some one or more of such assignments, was forged; or make an oath to the same effect in open court, at the time of filing such plea.

Unsealed writings put on the same footing as sealed writings.

Sec. 8. *Be it further enacted by the authority aforesaid*, That all writings hereafter executed, without a seal or seals, stipulating for the payment of money or property, or for the performance of any act or acts, duty or duties, shall be placed upon the same footing with sealed writings, containing the like stipulations; receiving the same consideration in all courts of justice; and to all intents and purposes having the same force and effect, and upon which the same species of action may be founded, as if sealed.

Charges of fornication, &c, put on same footing as charges of a criminal nature.

Sec. 9. *Be it further enacted by the authority aforesaid*, That hereafter every charge of incest, fornication or adultery, made by any citizen of this commonwealth, against one of the female sex, shall be placed on the same footing as other charges of a criminal nature, for which an action will lie according to the principles of the common law: And that all and every person or persons, for whom an action would lie for the speaking of scandalous words, may have and maintain an action of slander, for the speaking of words containing a charge of the commission of the offences aforesaid, or any of them; subject to the like

principles, rules and regulations, as are observed in other actions for slanderous words.

Contempts.

Sec. 10. *Be it further enacted by the authority aforesaid*, That when any sheriff or other officer, may hereafter arrest any person or persons, by virtue of any process for a contempt or contempts, to any of the courts of this commonwealth, it shall be the duty of such sheriff or other officer, to admit the person or persons, so arrested, to bail for their appearance, if good bail is offered; and he shall bind the person so arrested, in the sum endorsed on such writ.

Sheriff may admit the party in contempt to bail

Court shall order bail.

Sec. 11. *Be it further enacted by the authority aforesaid*, That the several courts in this commonwealth, when awarding any process for a contempt or contempts, shall direct by their order, in what sum the defendant shall be bound for his appearance, and what number of sureties shall be bound with such defendant or defendants; and the clerk of such court shall, by endorsement on the writ, certify the same to the sheriff or other officer.

In failure of the party to appear, *scire facias* may issue, &c.

Sec. 12. *Be it further enacted by the authority aforesaid*, That if the person recognized or bailed to appear under any attachment for contempt, fails to appear at the return day of such attachment, the same proceedings by writ of *scire facias*, and so on to judgment, as are had and prosecuted on recognizances in other cases, shall be had and taken; and the money collected by virtue of any such judgment, shall go to the use of the commonwealth.

Money how applied.

Sec. 13. *Be it further enacted by the authority aforesaid*, That where any sheriff or other officer, shall arrest any person or persons, by virtue of any process for any contempt, issued out of any of the courts of this common-

wealth, and the person so arrested shall fail or refuse to give bail as herein directed, it shall be the duty of such sheriff or other officer, and he is hereby vested with full power and authority, forthwith to remove the person or persons so arrested, to the jail of the county from whence the process issued; and it shall be the duty of the jailor of such county, forthwith to commit such person or persons, to close prison.

Person arrested failing to give bail may be removed by sheriff to the jail of the county from whence the process issued.

Sec. 14. *Be it further enacted by the authority aforesaid*, That the sheriff executing any such process for a contempt, shall be entitled to sixty-two and an half cents for the arrest, and five cents per mile for travelling to, and returning, to execute such process, to be paid out of the public treasury, upon the order of such court, and the warrant of the auditor, if the person prosecuted shall clear the contempt charged; but if not, to be paid by the person so in contempt; and for which, and all other costs incident to such prosecution, the court before whom the same is brought, shall enter up judgment, and execution shall issue therefor, as in other cases.

Sheriffs fee

How paid.

Sec. 15. *Be it enacted*, That the jailors in this commonwealth are authorised to take bond, or bonds, for the prison rules, (taking such bond to himself) and special bail, where any person may be imprisoned for want of such bail, under the same regulations that sheriffs are now empowered by law, and be entitled to the same fees and emoluments therefor. *Provided*, that sheriffs shall in no case be responsible for the conduct of jailors. *Provided also*, that any jailor taking bond for the prison bounds, shall, whenever required, assign the same to the creditor at whose suit

Jailors may take special bail & bonds for the prison rules.

Proviso.

Proviso.

imprisonment was had, or to his, her, or their legal representative. And where any jailor shall be committed to jail, it shall be the duty of the sheriff of the county where such commitment shall take place, to perform all the duties which are enjoined by law on jailors, in relation to defendants in custody.

When jailor is committed, sheriff to act as jailor.

Jailors to give bond hereafter.

Sec. 16. *Be it further enacted*, That the several jailors in this commonwealth shall, within six months after the passage of this act, execute in their county court, bond with one or more approved securities, in at least the sum of one thousand dollars and as much more as the said court may deem proper, payable to the commonwealth; conditioned for the faithful discharge of the duties of the office of such jailors: and which may be put in suit by any person injured by the acts of any such jailor, and shall not be discharged until the whole penalty is recovered.

Condition.

May be put in suit.

County discharged from support of debtors committed to jail.

Sec. 17. *Be it further enacted*, That so much of any act as makes the county chargeable for the support and maintenance of debtors committed to prison, for the first twenty days, be, and the same is hereby repealed. *Provided*, in all cases where the defendant may be insolvent, or unable to pay the same, the plaintiff shall be liable therefor.

Proviso.

Where a person marries during pendency of a suit, to be entered on record.

Sec. 18. *Be it further enacted*, That if any female plaintiff or complainant, in any suit in law or equity, shall marry pending the same, the marriage may be entered on the records of the court where the suit is depending, and the husband made a party thereto; whereupon the suit shall progress according to law.

Sec. 19. *And be it further enacted*, That if

any sheriff or other officer, to whom any writ is directed requiring bail, shall fail to take bail, the plaintiff or plaintiffs in the action, shall be entitled, if sufficient bail is not put in previous to the trial, if he or they succeed in the action, to have the judgment entered, as well against the sheriff or other officer to whom the said writ is directed, as against the defendant or defendants.

Officer required to take bail, and fails so to do, how liable.

Sec. 20. *Be it further enacted*, That so much of the fifteenth section of the act, entitled "an act to regulate proceedings in suits at law and in chancery," passed in one thousand eight hundred and ten, as prescribes that if the suit be brought previous to the filing of the declaration, that the plaintiff or plaintiffs shall pay all costs previous to the filing of it, shall be, and the same is hereby repealed.

certain act repealed.

Sec. 21. *Be it further enacted*, That it shall not be necessary in an action upon an assignment of any instrument of writing, assignable by law, to set forth in the declaration or petition, the consideration upon which such assignment has been made.

In an action on an assignment, condition need not be set forth.

Sec. 22. *Be it further enacted*, That any bond hereafter executed by an executor or administrator, to make a writ of error a *supersedeas*; or upon an appeal, shall not make the executor or administrator liable out of his own estate, any further than for costs upon a deficiency of assets; and the officer taking any such bond, shall prepare the same accordingly.

Executor and administrator not to be liable, only for costs in certain cases.

CHAPTER CCCLXXVI.

AN ACT to provide for the ascertainment of the boundary line between this state and the state of Tennessee.

APPROVED, February 4, 1812.

Recital. WHEREAS, it is desirable to have the boundary line between this state and the state of Tennessee run, and marked acording to its true position: And whereas, the General Assembly of the state of Tennessee, have passed a resolution at their last session authorising the Executive thereof, to appoint two commissioners, to cause to be run and marked the boundary line between this state and the state of Tennessee: Wherefore,

§ 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That the Executive to appoint commissioners; Governor of this state be, and he is hereby authorised to appoint two fit persons as commissioners; who shall be, and they are hereby authorised to meet the commissioners to be their duty. appointed on the part of the said state of Tennessee, under the resolution aforesaid; and then proceed to run and mark said line according to its true position, as it is established by the charter of King Charles the second; and recognized by the twenty fifth section of the declaration of rights in the constitution of the state of North Carolina; and also recognized by the thirty second section of the declaration of rights in the constitution of Tennessee: Beginning on the top of Cumberland mountain, at thirty six degrees and thirty minutes North latitude when accurately taken; and from thence, to run West a right line in thirty six degrees and thirty minutes North latitude

so far, as not to run into the lands claimed by the Indians.

Sec. 2. *Be it further enacted*, That the said commissioners are empowered, to employ a surveyor at three dollars and fifty cents per day, and chain carriers and markers at one dollar per day each; and cause the said line to be run and marked, between this state and the state of Tennessee, agreeable to the provisions of this act.

Surveyors to be employed, compensation chain men & markers.

Sec. 3. *Be it further enacted*, That the commissioners so to be appointed on behalf of this state, are authorised to confer with the commissioners on behalf of the state of Tennessee, as to the most advisable plan for quieting the titles to land which may be claimed by the citizens of either state, between the boundary line and the line commonly called Walker's line.

Conference of commissioners on conflicting titles to land.

Sec. 4. *Be it further enacted*, That if the commissioners on the part of the state of Tennessee, shall fail or refuse to act and proceed with the commissioners to be appointed on the part of this state; or if the Executive of said state of Tennessee should not appoint such commissioners; nevertheless the commissioners so to be appointed on the part of this state may proceed, (unless forbidden by the Executive of the state of Tennessee,) upon proper observations of the true point and direction of thirty six degrees and thirty minutes North latitude; to cause the said boundary line to be run, and marked so far, as not to run into the lands at present claimed by the Indians.

Commissioners to proceed and run the boundary unless forbidden

Sec. 5. *And be it further enacted*, That said commissioners shall, for the time they shall be necessarily employed in said service, each receive the sum of five and an half dollars per

Compensation for their services.

day; and that upon the governor's certificate of their appointments as commissioners, and of their being ready to proceed to the discharge of the duties herein prescribed, they shall be entitled to draw a sum from the treasury of this state, for which the auditor is hereby required to issue his warrant on the treasurer, not exceeding six hundred dollars, for the payment in part for a surveyor, chain carriers, markers, and furnishing the requisite provisions; which latter shall be furnished at the expence of the state.

how paid

Sec. 6. *And be it further enacted*, That it shall be the duty of the commissioners to report their proceedings, together with an account of the necessary expences of said services to the next session of the legislature.

Commissioners to report their proceedings and expences to the next legislature.

CHAP. CCCLXXVII.

AN ACT for the better regulation of the town of Russelville.

APPROVED, FEBRUARY 4th, 1812

§ 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Russelville, and their successors, or a majority of them, shall, for the purpose of fulfilling and executing their duties and powers as prescribed by law, have authority to levy and impose taxes on all property, real and personal, within said town, (wearing apparel, house-hold furniture, and implements of trade and profession only excepted;) and that said taxes shall be apportioned among the owners of said property, according to its value. *Provided*, that the taxes levied on said property shall not exceed the sum of four dollars per annum, on any one person.

Power and duty of trustees to levy taxes on the inhabitants of the town

Proviso.

§ 2. *Be it also enacted*, That the said trustees, and their successors, or a majority of them, shall have power annually to impose a poll tax not exceeding one dollar, on all persons entitled by law to vote for trustees of said town. Authorised to levy a poll tax.

§ 3. That the trustees of said town, and their successors, or a majority of them, may, at any time they shall deem it necessary, appoint some fit person residing in said town, as a commissioner, for the purpose of procuring lists of all such persons and property as are by law subject to taxation by said trustees—That said commissioner, before he begins to exercise the duties of his office, shall make oath before some justice of the peace, "that he will faithfully execute the office of commissioner, agreeable to law, and according to the best of his abilities, without partiality." He shall then without delay, proceed to execute the duties of his said office; calling on each person residing within the limits of said town, or holding any lot therein, or his or her agent, if any such there be, for a written list of his or her property; which being distinctly read over by the commissioner to the person delivering the same, he or she shall make oath or affirmation, which the commissioner is hereby authorised to administer—"That such list contains a true and perfect account of every species of property belonging to him, or in his possession, subject to taxation by the trustees, on the tenth day of March last; and that no contract, change or removal whatever, of property has been made, or entered into, or any other mode devised or used in order to evade the payment of taxes." And the said commissioner shall adjust the value of the proper-

To appoint commissioners to take in persons and property subject to taxation.

To take an oath.

His duty and power.

To administer an oath.

ty with the owner thereof, and note the amount of such valuation on such list; and in case of neglect or refusal on the part of the person so called on, either to give a list of his or her property as aforesaid, or to adjust the value thereof with the commissioner, it shall be the duty of the commissioner to make out a list of the property of such delinquent from the best information he can procure, and to fix the value thereof himself; and in like manner the said commissioner shall make out lists, and affix the value of all property in said town subject to taxes, the owners whereof are non-residents of said town, and have no known agent therein; which list, with the valuation aforesaid, shall thereafter in convenient time, at farthest in the space of forty days from the time said commissioner is duly notified of his appointment, be returned by the commissioner aforesaid, to the board of trustees, or to the chairman thereof, that said trustees may be enabled thereby to lay and apportion their taxations according to law. *Provided however,* that if any person shall think himself or herself, aggrieved by such valuation, he or she may apply to the board of trustees thereupon; who shall, if they see cause, reduce the estimate or valuation so made by the commissioner. And said commissioner shall be allowed two dollars per day while he is employed under this act, to be paid by the trustees, out of the money collected as tax. And if any person liable to the payment of tax, shall give or deliver to the commissioner, a false or fraudulent list of property subject to taxation, he or she shall be liable to a fine of ten dollars, to be sued for in the name of, and recovered by the trustees, or a majority of them, in the

Proviso.

Commissioner's allwance

How paid.

Penalty on persons giving in a fraudulent list to commissioner.

manner debts of like amount are recoverable by law, and to be applied to the use of said town. How to be recovered & applied.

§ 4. And when the trustees have laid and apportioned the tax, they shall appoint a collector, whose duty it shall be to collect and account for the tax of said town, within three months after a list of the same shall be put into his hands by said trustees—And if any person shall fail or refuse to pay the same, the said collector shall have power to make distress, and to sell property, upon giving ten days notice at the court-house door in said town, of the time and place of such sale. And the said collector, at the expiration of the said three months, shall deliver the money so collected, to the trustees, or any person whom they may appoint for that purpose; deducting thereout ten per cent. for his services in collecting said tax. And if said collector does not collect and pay over said tax, according to the provisions of this act, on ten days previous notice being given, a judgment may be recovered against said collector and his securities, or any one or more of them, by the trustees or their successors, in the county court, for the full amount put into his hands to collect, and execution awarded thereon; on which execution, the clerk of said court shall endorse "No security of any kind to be taken." *Provided however*, said collector shall be allowed such credit for insolvents, as the said court may judge him entitled to. To appoint a collector. His power and duty. his allowance. Penalty for failing to make collections. How, where, and by whom recoverable and applied. Proviso.

§ 5. That the said collector, at the time he receives the list of taxes to be by him collected, shall also be bound to receive from said trustees, lists of all arrearages of taxes now accrued, or which may hereafter accrue, and to Further duty of collector of tax.

collect and account for the same, in the same manner as other taxes are.

Collector to give bond and security.

§ 6. That the said collector shall within five days after notice of his appointment, and before he proceeds to act, enter into bond with such security as may be approved of by the trustees, with a penalty in double the sum to be by him collected, payable to the said trustees, or their successors in office; with condition for the faithful execution of his office.

Penalty on person refusing as commissioner or collector—How & where recoverable.

§ 7. That if any person appointed a commissioner or collector, shall fail or refuse to act, he or she shall forfeit and pay to the trustees for the use of said town, a fine of fifteen dollars, recoverable by said trustees or their successors, in the same manner with other debts of the same amount.

To appoint an overseer of streets—his duty & powers.

§ 8. That the said trustees and their successors, or a majority of them, may appoint an overseer of the streets of said town; to keep the same in good order and repair; and for that purpose said overseer shall be authorised to call on all the free male inhabitants of said town, above the age of twenty years, to work on said streets—And any person so called on, and failing to attend and work, or furnish a substitute, shall forfeit and pay to the trustees for the use of the said town, one dollar, recoverable by the trustees, in the same manner which debts of the same amount are recoverable.

Penalty on persons failing to work on streets &c.

Power of trustees.

§ 9. *Be it further enacted*, That the trustees of the said town, their successors, or a majority of them, shall be, and they are hereby authorised and empowered, under such rules and regulations as they may adopt, to compel the owners of lots on main-street, in said town, for such an extent as they may deem proper, to make a pavement of the width of ten feet, and

along the whole front thereof; and if any order of the trustees to that effect, shall be disobeyed, the said trustees are authorised to cause such pavement to be made: and all sums necessarily expended by them in such work, together with twenty per cent damages thereon, may be recovered by said trustees from such delinquent owner or owners, respectively, in the same courts, form and manner, in which other demands of the same amount, are recoverable.

Penalty on persons disobeying the powers hereby granted, &c.

§ 10. That whenever the owners of four-fifths of the ground on any street, shall petition the said trustees to have such street paved, they shall be, and are hereby authorised and empowered, to compel the pavement of the same, in the manner before provided.

Further powers of the trustees.

§ 11. All acts or parts of acts, within the purview of this, shall be, and the same are hereby repealed.

CHAPTER CCCLXXVIII.

AN ACT giving interest on judgments for damages in certain cases.

APPROVED, February 7th, 1812.

BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That every judgment or decree, hereafter rendered or pronounced, founded upon contract, sealed or unsealed, expressed or implied, for the payment of money or property, that shall be delayed in the execution, by proceedings on the part of the defendant or defendants, by injunction, or writ of error *coram vibis*, before a circuit court, or by writ of error with a *supersedeas*, or an appeal to the court of Appeals; shall, in the event of the judgment or decree being affirmed, bear legal interest from the

rendition of the judgment, or pronouncing the decree until paid; and it shall be the duty of the clerk of the court in which the judgment was rendered, or decree pronounced, to endorse on the exception, that the same is to bear legal interest until paid.

CHAPTER CCCLXXIX.

AN ACT for the relief of Daniel Trabue.

APPROVED, February 7th 1812.

WHEREAS, it appears that Daniel Trabue, sheriff of Adair county, has paid into the treasury twenty dollars more than the amount of state taxes due from said county, for the year 1808, in consequence of errors in the commissioner's book in the auditor's office for that year; Wherefore,

Sec. 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That the auditor of public accounts shall, and he is hereby authorised, to issue his warrant on the treasury for the said twenty dollars, which shall be paid by the treasurer unto the said Daniel Trabue.

CHAP. CCCLXXX.

AN ACT to recover monies improperly drawn from the Treasury, by a deputy sheriff of Christian county.

APPROVED, *February* 7, 1812.

WHEREAS, it is represented to the present General Assembly, that James M. Johnson deputy sheriff of Christian county, has illegally drawn money out of the public treasury of this commonwealth:—

Sec. 1. BE *it therefore enacted by the general*

assembly of the commonwealth of Kentucky, That the attorney for the commonwealth of the Christian circuit court, is hereby authorised and directed, to institute in the name of the commonwealth of Kentucky, and to prosecute to judgment or decree in the said court, any suit or suits that may be necessary, against the said Johnson, to recover any money illegally drawn by the said Johnson in manner aforesaid; and the clerk of said court shall issue any execution or executions that may be necessary in the premises. And the sheriff of said county, upon the receipt thereof, shall proceed thereon, and be responsible for any neglect of duty therein, according to law.

CHAP. CCCLXXXI.

AN ACT for the benefit of Jesse Knighten.

Approved February 7, 1812.

WHEREAS, it appears to the present General Assembly, that Jesse Knighten is an object of charity, owing to his indigence, old age and infirmity; and having become possessed of a certificate No. 36, granted by the county court of Muhlenburg, for one hundred and ninety eight acres of land, on the waters of Clifty, and is unable to pay for the same: Therefore,

Be it enacted by the general assembly of the commonwealth of Kentucky, That the state price on the aforesaid tract of land, be, and the same is hereby remitted to the said Jesse Knighten; and the register of the land office is hereby directed, to issue to the said Jesse Knighten, a patent for the aforesaid tract of land, which tract of land shall not in any manner be disposed of, during the life of the

said Jesse Knighten; but the same shall remain in possession of his wife and children for their use and benefit.

CHAP. CCCLXXXII.

AN ACT for the benefit of the heirs of John Breckenridge, deceased.

APPROVED February 7th, 1812.

Preamble.

WHEREAS, it is represented to the present General Assembly, that John Breckenridge, late of Fayette county, departed this life intestate, leaving one daughter a *feme covert*, and the residue of his children under the age of twenty one years; being possessed of a considerable estate real and personal, but involved in a great variety of executory and outstanding contracts, and other disputes.

That owing to the incapacity of the heirs of said John Breckenridge, arising from their minority, to satisfy said contracts, or to compromise or adjust them, great loss is likely to happen to them. And whereas, those of said heirs who have attained their full age, together with the husbands of the *feme coverts*, and the guardians of the minors, have applied to the legislature for their interposition: For remedy whereof,

Circuit court of Fayette to appoint trustees.

Sec. 1 *Be it enacted by the General Assembly of the commonwealth of Kentucky*, That the circuit court of Fayette county, shall have power and authority to appoint one or more trustee or trustees, of the estate of said John Breckenridge; taking from such trustee or

Trustees to give bond.

trustees bond with good security, in the penalty of at least thirty thousand dollars, conditioned for the faithful discharge of the trust reposed in him or them; which trustee or trus-

tees, the said court may from time to time remove and another or others appoint. The said trustee, or a majority of the trustees, shall have power to settle, adjust, arbritrate, or compromise any, and all of the disputes in relation to the real estate of said John Breckenridge; and any, and all of the disputes arising out of the contracts of the said John Breckenridge, in relation to lands.

Power of trustees.

Sec. 2. The said trustee, or a majority of the trustees, are hereby further authorised and empowered, to make all, and every conveyance of said real estate which may be proper, on the part of the heirs of said John Breckenridge, in pursuance of any adjustment, award, or compromise, made as aforesaid.

To convey real estate.

Sec. 3. The said trustee, or a majority of the trustees, are hereby further authorised and empowered, upon the request in writing of such of said heirs as may be of age, and of the guardian or guardians of the infants, and the husbands of the *feme coverts*, to make sale of, and convey any part of the real estate of said John Breckenridge, which may be involved in dispute, and pay the proceeds thereof to the said heirs or their guardians.

to convey on request inwriting, real estate in dispute.

Sec. 4. All acts done by the trustee or trustees aforesaid, in pursuance of the powers hereby given, shall be as binding and obligatory on the said heirs, and each of them, and the husbands of the *feme coverts*, as if it had been done by each, in his or her proper person when of full age and discovert; saving however, the right of a court of equity to interfere, and give appropriate relief for any fraud committed by the trustee or trustees, or other person concerned in such transaction.

Acts of trustees to be binding.

Court upon petition may appoint commissioners to divide real estate.

Sec. 5. *And be it further enacted*, That the said court shall have power, upon the petition of a majority of said heirs, or their guardians, to appoint two or more commissioners, to make division of such part of the real estate of said John Breckenridge as the court may direct, or the commissioners may deem proper, in any part of this state; in making which division, the said commissioners may allot a separate tract or tracts to any one heir, or may divide each, or any of the tracts as they may adjudge best. And every division so made, returned and approved by said court, shall be binding and obligatory upon said heirs. *Provided however*, that in case any part of the land so divided, should thereafter be adjudged to any other claimant by due course of law, a ratable proportion of the loss shall be borne by each of the heirs, and compensation accordingly made to the one sustaining such loss by the others.

Duty of commissioners—

division to be binding.

Sec. 6. After a division so made, all power and authority of the trustee or trustees herein before mentioned, shall cease and determine as to so much of said estate as may be so divided.

when powers of trustees to cease.

CHAPTER CCCLXXXIII.

AN ACT concerning the town of Louisville, in Jefferson county.

APPROVED, *February 7th*, 1812

Sec. 1. BE *it enacted by the general assembly of the commonwealth of Kentucky*, That hereafter the trustees of the town of Louisville, or a majority of them, or their successors in office, for the time being, shall be, and are hereby invested with full power and

Trustees may levy not exceeding 2000 dollars.

authority to assess, levy and collect on the property within said town, real or personal, any sum not exceeding the sum of two thousand dollars in each and every year. The mode of assessment, and the species of property on which the said assessment shall be made, to be prescribed by the bye-laws which may be enacted by the said trustees; which said sum so assessed and levied, shall be subject to appropriations by the said trustees, towards the improvement and benefit of said town.

Regulations respecting collecting tax

Sec. 2. *Be it further enacted*, That so soon as the lists of property shall be delivered to the town collector, by the direction of the said trustees, the said town collector shall proceed to collect and receive of the owners of such property so taxed, the amount of taxes so due; and on failure of payment, the said town collector is hereby authorised to seize or distrain any property, real or personal, of any person or persons so failing to pay, sufficient to satisfy the respective amount of taxes due, and costs of distress, under the following rules and regulations, to wit: First—Whenever the said town collector shall seize or distrain any personal property, he shall, after affixing a notice of the time and place of sale to the court-house door, market-house and some public house in said town, ten days previously to the day of sale appointed by him, proceed to sell the same, or so much as will satisfy the tax due and costs of distress, at some public place, to the highest bidder, for cash. Secondly—Whenever, on deficiency of personal property of the person in arrear for taxes within the precincts of said town, it shall be necessary to sell any lot, house, or any other real property, the owner of which resides within the limits of

said town, it shall be the duty of said town collector, to affix to the court-house door, market-house, and some public house in said town, a notice of the day and place of sale appointed by him, at least twenty days previously to the day of sale; stating therein the number of the lot, house, or other real property so proposed to be sold, the owner's name, and the amount of tax due: Whereupon the said town collector, on the day and at the place so assigned in the said notice, if the taxes have not in the mean time been paid, shall proceed to sell the said lot, house, or other real property, or as much thereof as will be sufficient to satisfy the tax so due, and costs of distress. Thirdly—Whenever it shall be necessary as aforesaid, to sell any lot, house, or other real property within said town, the owner of which does not reside within the limits of said town, whether he be a resident or non-resident of this state, or if the owner is unknown, it shall be the duty of the town collector to cause to be inserted in the news-paper published at Louisville, or other public news-paper, an advertisement specifying the day and place of sale, the number of the lot, house, or other real property proposed to be sold, the owner's name, if known to the collector, and the amount of tax due, six weeks successively before the day of sale, to be appointed by the said collector: Whereupon, on the day and at the place (which shall be a public place) so appointed for the said sale, the said town collector, if the said taxes have not been previously paid, shall proceed to sell the said lot, house, or other real property so proposed to be sold, or so much thereof as will satisfy said tax and costs of distress, to the highest bidder for cash.

Sec. 3. *Be it further enacted*, That in all cases where any lot, house, or other real property, or parts thereof, whether of persons resident or non-resident within the limits of said town, shall be sold, the town collector is hereby authorised, upon the payment of the purchase money, to execute to the purchaser or purchasers, a deed or conveyance of the lot, house, or other real property, or parts thereof so sold; which deed or conveyance shall effectually in law and equity, transfer to, and vest in the said purchaser or purchasers, all the right, title and interest in and to the said lot, house or other real property, or parts thereof so sold, of the person charged with taxes on account of the said lot, house or other real property, or parts thereof so sold as aforesaid. Regulations where lots are sold for tax.

Sec. 4. *Be it further enacted*, That the said town collector shall account with, and pay to the treasurer to be appointed by the said trustees, the amount of taxes due, for which he has received the lists aforesaid, after deducting his insolvent list, on or before the day to be appointed by a bye-law to be enacted by said trustees; and which day shall be mentioned in the condition of the collection bond: On failure whereof, the said trustees may prosecute a suit on said bond in the circuit court of Jefferson county, or other court having jurisdiction in similar cases; and shall be entitled to recover by a verdict and the judgment of said court, of such delinquent collector and his securities, the full amount of the taxes due, agreeably to the list delivered to the collector, without allowing any deduction for delinquents, unless the trustees agree to receive the same, together with fifteen per centum da- Regulations respecting town collector.

mages on the amount of the sum recovered, and costs of suit; on which judgments executions shall be issued, with an endorsement "That no security shall be taken."

Power of trustees to enact bye-laws.

Sec. 5. *Be it further enacted*, That the said trustees shall have full power and authority to enact bye-laws which may be necessary; prescribing the manner of conducting all sales of lots, houses and other real property; designating what parts of lots, houses or other real property shall be sold; and in general, to enact such bye-laws as they may deem necessary on that subject, not inconsistent with the constitution of this state.

Arrearages of taxes to be collected.

Sec. 6. *And be it further enacted*, That the town collector shall and may collect the arrearages of taxes for any year or years, during five years after they are so due, proceeding agreeably to the provisions of this law. And whenever the trustees shall or may, for any causes whatever, assess or levy the taxes hereby authorised to be levied or assessed in any year, the said trustees, or their successors, are hereby authorised to assess and levy the taxes of said year so omitted, in any other year thereafter; and the collector shall proceed to distrain, sell and collect the taxes so levied and assessed, and shall account for and pay the same, as is before directed.

Repealing clause.

All acts and parts of acts, contrary to the provisions of this act, shall be, and are hereby repealed.

CHAP. CCCLXXXIV.

AN ACT establishing an additional term in the Fayette circuit, and for other purposes.

APPROVED, February 8, 1812.

§ 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the chancery term allowed in the circuit of Fayette, an additional term of twelve juridical days shall be held, commencing on the second Monday in August in each year, if the business thereof shall require it.

Fayette circuit allowed an additional term.

Sec. 2. *And be it further enacted*, That it shall and may be lawful, for the circuit court for the county of Mercer, at the next June term, to sit eighteen juridical days if the business should require it. *Provided, however*, that the attendance of the circuit judge for the last six days of such term, shall be dispensed with.

Mercer circuit allowed an additional term.

CHAPTER CCCLXXXV.

AN ACT to repeal the several acts concerning the inspection of Tobacco in the town of Louisville.

APPROVED, FEBRUARY 8th, 1812.

Sec. 1. BE *it enacted by the General Assembly of the commonwealth of Kentucky*, That so much of any act or acts, which provide for the establishment of an inspection of tabacco in the town of Louisville, shall be, and the same is hereby repealed. *Provided, nevertheless*, that the present proprietor shall be, and he is hereby subject, to all the pains, penalties and provisions established by law, for the safe keeping and delivery of any tobacca now deposited in his ware house, or which may be deposited previous to the first of March

Certain acts repealed—

Proviso.

next; and that he shall receive the same rents and emoluments heretofore allowed.

This act shall commence and be in force, from and after the first day of March next.

CHAP. CCCLXXXVI.

AN ACT to suppress Private Associations for the purpose Banking.

APPROVED, February 8, 1812.

Preamble.

WHEREAS, the advantages arising to the good people of this commonwealth, by the establishment of a state bank, may be defeated; and the revenue of this state greatly impaired by the establishment of private associations for the purpose of banking, if the same be tolerated by law. For remedy whereof,

No person shall act as servant, agent a trustee of any private bank or monied association unauthorised by law—Penalty.

§ 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That if any person shall, within this commonwealth, act as an officer, servant, agent or trustee, to any bank or monied association, except a bank incorporated by law of this commonwealth, he shall for every such offence, forfeit and pay the sum of ten thousand dollars.

What declared to be such a bank or association.

Sec. 2. Every company or association, that shall lend money, and shall issue by their officer or officers, or by any other person and persons, bonds, notes, or bills, payable to bearer, or payable to order, and endorsed in blank; or use other shift or device, whereby the bonds, notes, or bills given by such company or association or on their behalf, pass or circulate by delivery, shall be taken and deemed a bank within this act.

Who shall be considered as officers.

Sec. 3. Every person who shall act as a president, cashier, clerk, or director to any

such bank; or shall in any respect assist in the discounting of paper, or lending money for such bank; or in paying out or receiving money for such bank; or in any manner intermeddle for the benefit of such bank, with its concerns; and every person whose hand writing shall appear on the bond, bill, note, or contract of such bank, whether as the drawer thereof, a witness or endorser, or otherwise, shall be deemed and taken an officer of such bank, within the meaning of this act. Who shall be considered as officers of such an institution.

Sec. 4. If any person shall offer in payment the bond, bill, note, or contract of any such bank, payable to bearer, or to order, and endorsed in blank, he shall for such offence, forfeit three times the amount of such bond, bill, note or contract. And if any person shall pass or circulate the bond, bill, note or contract, of any such bank by delivery, without endorsing the same, he or she so offending, shall forfeit and pay four times the amount of such bond, bill, note or contract. Penalty on persons offering their notes in payment. Penalty on failing to endorse the notes, &c.

Sec. 5. All fines and forfeitures imposed by this act, may be recovered by action of debt, or by indictment or presentment of the grand jury; and shall go, one half to the informer where action is brought, and the other half in aid of the public revenue of this state. But where the same is recovered by indictment or presentment, the whole shall be to the use of the commonwealth. Penalties imposed, how recovered & appropriated.

Sec 6. It shall not be necessary to name or set down any prosecutor to any presentment or indictment, found under this act. In every such indictment or presentment, it shall be sufficient to state in substance—That the defendant, on the ——— day of ———, at ——— acted as an officer of a bank, not incorporated by law; or that the defendant, mode of proceeding—

on the ——— day of ———, at ——— paid (or offered in payment, as the case may be) the bond, bill, note or contract, of a bank not incorporated by law, for the sum of ——— dollars, without setting forth the special matter.

What necessary in the prosecution of suits.

Sec. 7. And in every suit brought under this act, it shall be sufficient to set forth in substance, the matter aforesaid, without setting forth the special matter.

Duty of circuit court.

Sec. 8. It shall be the duty of every circuit court, who shall have any reason to suspect that any of the provisions of this act have been violated within their circuit, to give this act in charge to the grand jury.

The bonds of such institution declared void.

Sec. 9. *And be it further enacted*, That all bonds, bills, notes, or contracts hereafter executed, which shall purport to be negotiable or payable at such bank, shall be, and the same are hereby declared null and void. And all bonds, bills, notes or written contracts, given to such bank, or discounted by such bank, shall be, and are hereby declared null and void.

Every such bank and its agents & servants incapable of suing.

Sec. 10. And every such bank, and every trustee or person on its behalf, or for its benefit, is hereby declared incapable of maintaining any suit in any court in this commonwealth, for any matter whatever. And every suit in which it shall, at any stage thereof, be made appear that such suit is in whole, or in part, for the benefit of such bank, shall be dismissed with costs.

Every stock holder, share holder or partner, severally answerable.

Sec. 11. *And be it further enacted*, That every stockholder, shareholder, or partner hereafter interested in any such bank, shall be jointly and severally answerable in their individual capacity, for the whole amount of the bonds, bills, notes, and contracts of such bank

ereafter executed; any agreement, shift, or device in such bond, bill, note or contract, or otherwise, to the contrary notwithstanding.

Persons holding their contracts may recover judgment against them or any of them—

Sec. 12. And the holder of any bond, bill note, or contract of such bank, may institute, suit, and recover judgment thereon, against any part, or the whole of the persons who were interested in such bank at the date of such bond, bill, note or contract, or who become interested in such bank at any time between that and the commencement of such suit.

what necessary in such suit;

Sec. 13. In such suit it shall be sufficient for the plaintiff to set forth in substance: That he is the holder of such bond, bill, note or contract; that the defendants were interested in said bank at the date of such bond, bill, note or contract, or subsequent thereto; and that it remains unpaid. It shall be unnecessary to shew in the declaration or pleadings, and unnecessary to prove on the trial, that a demand was made of the contents of such bond, bill, note or contract, at the time or place, when and where it purports to be payable: But the persons aforesaid, shall be liable without such demand.

what proceedings may be had in such suit.

Sec. 14. If during the progress, or on the trial of such suit, it shall appear that any one or more of the defendants are not liable to such action under this act, it shall not prevent the suit from proceeding as to any other defendant; but judgment shall be given for the full amount of such bond, bill, note or contract, against any one or more of the defendants, who may appear to be liable.

Restrictions on this act.

Sec. 15. Nothing in this act contained, shall extend to any company incorporated by a law of this commonwealth, who may be authorised by their charter to loan money, or other-

wise to act as a bank, so long as the charter of such company remains in full force.

Commencement. Sec. 16. This act shall commence and be in force from and after the 10th day of February next. Proviso. *Provided however*, that time shall be allowed to all such private companies and associations now existing, till the first day of December, 1812, for the sole and only purpose of settling and closing their business and accounts. Proviso. *And provided also*, that the penalties and forfeitures herein enacted, in the fourth section of this law, against persons offering in payment the bond, bill, note, or contract of such company or association, shall be suspended until the said first day of December, 1812. Proviso. *And provided also*, that such company or association, may renew any note or notes which may have been discounted before the passage of this law, until the said first day of December, 1812. Proviso. *Provided nevertheless*, that this act shall not effect the bank of Louisville, or any of its officers or persons dealing with them as such, previous to the tenth of December next.

CHAP. CCCLXXXVII.

AN ACT to divide this state into Congressional Districts.

Approved February 8, 1812.

Preamble. WHEREAS by a law passed at the present session of Congress, the state of Kentucky is entitled to ten members to represent it in the Congress of the United States;

State divided into ten districts. Sec. 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That this state shall be, and it is hereby divided into ten congressional districts.

Sec. 2. The first district to consist of the counties of Clarke, Estill, Montgomery, Bath, Fleming, Greenup and Floyd. First district.

Sec. 3. The second district to consist of the counties of Fayette, Jessamine and Woodford. Second

Sec. 4. The third district to consist of the counties of Scott, Harrison, Pendleton, Campbell, Boone, Gallatin and Franklin. Third

Sec. 5. The fourth district to consist of the counties of Bourbon, Nicholas, Bracken, Mason and Lewis. Fourth

Sec. 6. The fifth district to consist of the counties of Livingston, Caldwell, Christian, Breckenridge, Ohio, Grayson, Muhlenberg, Henderson, Hopkins and Union. Fifth

Sec. 7. The sixth district to consist of the counties of Barren, Warren, Logan, Butler and Cumberland. Sixth

Sec. 8. The seventh district to consist of the counties of Mercer, Garrard, Madison and Clay. Seventh

Sec. 9. The eighth district to consist of the counties of Bullitt, Jefferson, Henry and Shelby. Eighth

Sec. 10. The ninth district to consist of the counties of Lincoln, Rockcastle, Knox, Pulaski, Wayne, Adair and Casey. Ninth

Sec. 11. The tenth district to consist of the counties of Hardin, Nelson, Washington and Green. Tenth

Sec. 12. *Be it further enacted by the authority aforesaid*, That on the first Monday in August next, the qualified voters in the several districts aforesaid, at the places they vote for representatives for the state legislature, shall also vote for some fit person who shall reside in this state, being twenty-five years of Elections; when and where held.

age, and having been seven years a citizen of the United States, to represent them in Congress two years from the third day of March, 1813. The next succeeding election shall be for representatives to Congress at the general election in this state in the year 1814; and every second year thereafter.

Duty of the sheriffs

Sec. 13. *And be it further enacted by the authority aforesaid*, That the sheriffs of the several counties in each district, shall, on the fifteenth day after the commencement of their elections, assemble at the places hereafter designated in this act, in each of their respective districts; and then by faithful comparison and addition, ascertain the person elected in their district.

Bath
Fayette
Scott
Nicholas
Hopkins
Warren
Garrard
Shelby
Pulaski
Hardin

Sec. 14. The sheriffs for the first district, at the court house in the county of Bath—The sheriffs for the second district, at the court house in the county of Fayette—The sheriffs for the third district, at the court house in the county of Scott—The sheriffs for the fourth district, at the court house in the county of Nicholas—The sheriffs for the fifth district, at court house in the county of Hopkins—The sheriffs for the sixth district, at the court house in the county of Warren—The sheriffs for the seventh district, at the court house in the county of Garrard—The sheriffs for the eighth district, at the court house in the county of Shelby—The sheriffs for the ninth district, at the court house in the county of Pulaski—The sheriffs for the tenth district, at the court house in the county of Hardin.

Sheriffs to meet and compare polls &c.

Sec. 15. *And be it further enacted by the authority aforesaid*, If, on comparing the polls in any one district, it shall so happen that two candidates stand equal in number, the sheriffs

so assembled, shall vote for one of them; and if after such vote an equal number shall remain, in that case the sheriffs shall determine by lot which of the candidates shall be returned elected.

To give certificate of election—

Sec. 16. After having ascertained as before directed the person elected in each district, the sheriffs thereof shall make out a certificate of the election of the person in their district; which shall be signed by all the sheriffs of the district, and which shall be lodged with the sheriff of the county wherein the polls are compared; and by him, together with a copy of the polls, transmitted to the secretary of state.

And transmit one to secretary of state.

Allowance to Sheriffs.

Sec. 17. *And be it further enacted by the authority aforesaid,* That the sheriffs so assembled to compare the polls, and for transmitting the necessary papers to the secretary, shall be entitled to one dollar and fifty cents for every twenty-five miles in going to, and returning: and two dollars per day, for every day while there necessarily; to be paid as heretofore.

CHAP. CCCLXXXVIII.

AN ACT to amend the law authorising the appropriation of the lands acquired by the Treaty of Tellico.

APPROVED February 8th, 1812.

Certain lands how appropriated and paid for

§ 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky,* That all persons who may hereafter obtain a certificate for any waste and unappropriated lands, lying in that section of this commonwealth acquired by the treaty at Tellico, shall, agreeably to the provisions of the act approved 31st January, 1810, for appropriating the lands acquired by the treaty of Telli-

co, and the act amendatory thereto, approved January 21st, 1811, for the same, pay into the treasury of this state, in three equal annual instalments, at the rate of twenty dollars per hundred acres; the first instalment to be paid on the first day of January next, and on that day in every succeeding year, until the whole shall be paid in the term aforesaid.

Land to be sold if the instalments are not paid for.

§ 2. *Be it further enacted*, That if any instalment hereby allowed on any tract of land acquired as aforesaid, shall not be paid on or before the first day of January, and on that day annually thereafter, the lands upon which such instalment shall not be paid, shall be exposed to sale under the same rules and regulations now in force, relative to the sale of head-right lands in this commonwealth.

No person who has heretofore acquired lands under the provisions of the act referred to, permitted to take up land under this act

§ 3. *And be it further enacted*, That no person or persons, who have settled or obtained a certificate or certificates, under the act appropriating the land acquired by the treaty of Tellico, passed January 31st, 1810, or under an act passed January 31st, 1811, to amend the law authorising the appropriating said land, shall be entitled to take up and appropriate land under the provisions of this act. And

Certificate for lands, how to be obtained.

before any person or persons shall be allowed to take up land under this act, he, she, or they shall, before the court, at the time of the application for a certificate, as provided in the before mentioned two acts, make oath 'that he, she or they have not taken up or received a certificate in his, her or their own name or names, nor by any other in his, her, or their behalf, any land under or in virtue of the before recited two acts.'

§ 4. *And be it further enacted*, That the clerks of the courts of the circuits within the bounds of the lands embraced by this act,

shall, within six months from its passage, transmit to the auditor of public accounts, an account of all certificates issued for lands under the provision of former laws, previous to the first day of January last, under the penalty of one hundred dollars, to be sued for and recovered of each clerk by the auditor, upon motion as in other cases; and to be applied to the aid of the public revenue. And hereafter, it shall be the duty of the clerks in whose courts certificates may be granted, to transmit to the auditor a transcript of the certificates, within six months after such certificates may be granted, subject to the like penalty.

Duty of certain circuit court clerks

Penalty for failure in their duty. How recovered & applied.

Further duty of certain clerks.

CHAPTER CCCLXXXIX.

AN ACT for the relief of the Sheriffs of Gallatin and Wayne.

APPROVED, February 8th, 1812.

§ 1. BE *it enacted by the general assembly of the commonwealth of Kentucky*, That the auditor of public accounts shall issue to Enoch Paine, sheriff of Gallatin county, a warrant upon the treasury for thirty-one dollars seventy-nine cents; being the amount of his delinquents in the revenue tax in said county, for the year 1810.

Sheriff of Gallatin.

§ 2. *And be it further enacted*, That the auditor be, and he is hereby directed to receive the delinquent list of 1810, from the sheriff of Wayne county, and credit him accordingly.

Of Wayne.

CHAP. CCCXC.

AN ACT for the benefit of the heirs of John Harrow.

APPROVED February 8, 1812

WHEREAS it is represented to the present General Assembly, that John

Recitals

Harrow formerly built a grist and saw-mill on the north fork of Licking, in the county of Mason, and has since departed this life, leaving the following children, to wit: Joseph, Daniel, John, Betsey, Patrick, Thomas, Samuel, Charles and Mary Ann Harrow, heirs at law of said John, deceased, and Mary Ann his wife. And whereas said heirs at law have no funds to keep the said mills in repair, and all of them (except three) being minors, and therefore incapable of managing the same; whereby they will sustain great loss: For remedy whereof,

Commissioners appointed

§ 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That George Phillips, Elijah Thornberry and Lewis Bullock, shall be, and they are hereby nominated and appointed commissioners; who,

Their powers

or any two of whom, are hereby authorised and empowered to sell, transfer, set over and convey all the right, title and interest of said heirs in the said mills, and six acres of land including the same, to any person who will give them a fair price therefor; giving such credit as they may deem reasonable, and taking bond and security for the payment of the several sales.

Commissioners to give bond. Condition

§ 2. *Be it further enacted*, That the acting commissioners shall execute a bond for one thousand dollars, with two sureties, conditioned to pay each of said heirs, his or their equal proportion of the amount of sale, when they shall arrive at the age of majority; which bond shall be recorded in the office of the Mason county court. And it shall be the duty of the commissioners to loan out the portion of each junior, at legal interest, taking bond and security for the re-payment. *Provided however*, that nothing in this act shall be so construed as

Their duty.

Proviso.

forfeit, or divest the infant heirs of said Harrow, of their right to recover from the commissioners, and the heirs of said Harrow who are of age, and consent to the sale of the mill and six acres of land, should they sell the land for less than the value, at the time of the sale, or improperly use and appropriate that portion of the money the infant heirs may be entitled to; but the infant heirs of said Harrow, shall have three years after they severally attain their age, to contest the propriety of the sale, and the application of the money. But should it turn out that the land and mill were sold for an adequate price, in that case, the application of the money shall only be enquired into.

CHAPTER CCCXCI.

AN ACT concerning the General Court.

APPROVED February 8th, 1812.

Sec. 1. BE *it enacted by the General Assembly of the commonwealth of Kentucky*, That so much of the law which directs the General court to be held in the month of May, shall be, and the same is hereby repealed. Repealing clause.

Sec. 2. *Be it further enacted*, That the General court shall hereafter hold a session in the month of July in every year, to commence on the first Monday thereof. To sit in July

Sec. 3. *And be it further enacted*, That the General court shall have power to hear and determine all manner of business at the said July sessions, in as ample form and effect as the said court was authorised by law to do at the May terms; and all process made returnable to the May term next, shall be considered as returnable to the July term next; and be as Respecting process.

good and valid in law, as if this act had not been passed.

CHAP. CCCXCII.

AN ACT to add a part of Clay and Rockcastle to the County of Madison.

APPROVED, *February* 8, 1812.

Sec. 1. BE *it enacted by the general assembly of the commonwealth of Kentucky*, That from and after the first day of March next, all that part of Clay and Rockcastle counties, included in the following boundary, to wit: Beginning on the line of Madison and Rockcastle counties, near to Thomas Hooton's, where the course of said line varies to strike Horse lick creek, one half mile below the Double lick; thence East to Indian lick creek; thence up the same, and the main fork thereof, to the old line between the counties of Madison and Clay, shall be added to, and be a part of Madison County.

Boundary.

Sec. 2. The circuit and county courts, and justices of the peace in the counties of Clay and Rockcastle, shall have jurisdiction over all matters originating and brought before them, prior to the commencement of this act. And it shall be lawful for the sheriffs, constables and collectors, in the said counties of Clay and Rockcastle, to collect all fees and money, and execute all process, writs and executions, as the law directs, which were put into their hands for collection or execution, previous to the commencement of this act; and shall account for the same, as if this law had not passed.

Jurisdiction of courts of Clay & Rockcastle.

and duty of sheriffs and collectors.

CHAPTER CCCXCIII.

AN ACT to extend the law, authorising a turnpike on the road leading from the counties of Madison and Lincoln to Goose creek salt works in Clay county.

APPROVED, *February 8th*, 1812

Sec. 1. BE *it enacted by the General Assembly of the commonwealth of Kentucky*, That the act passed the 31st day of January, 1810, authorising a turnpike on the road leading from the counties of Madison and Lincoln, to the lower Goose creek salt works in Clay county, shall be, and the same is hereby extended two years from the thirty first day of January, 1812, and no longer. *Provided*, that all salt packers going to and from the said salt works shall be exempt from paying toll, any law to the contrary notwithstanding.

CHAP. CCCXCIV.

AN ACT concerning alimony and separate maintenance of wives and children abandoned by their husbands and fathers.

APPROVED, FEBRUARY 8th, 1812.

§ 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That where any man united in lawful marriage, hath, or hereafter shall renounce the marriage covenant, by refusing to live with his wife in the conjugal relation—by uniting himself to any sect, whose creed, rules, or doctrines require a renunciation of the marriage covenant, or forbid a man and wife to dwell and cohabit together, according to the true spirit and object of marriage; the person so offending shall subject himself to recovery of alimony or separate maintenance by the wife aggrieved thereby.

Alimony may be recovered upon the marital rights being withheld

Wife may file a bill or petition

Sec. 2. *Be it further enacted*, That the wife so aggrieved, may file her petition or bill in chancery, in any of the circuit courts of this commonwealth, hereby vesting them with jurisdiction to cause such proceedings to be had on such bill or petition, as in other cases in chancery; and give such orders and decrees thereon, as equity and justice of the case require. And should the party complaining, come within the equity of this act, it shall be the duty of the court before whom such complaint is made, to ascertain the amount of the property real, personal, and mixed of the husband so offending, and decree such part thereof to the wife, as they may deem just and equitable.

Power and duty of court

Decree

Provision for children of offenders—

Sec. 3. If the husband so violating and renouncing the marriage covenant, shall have a child or children (under age and unprovided for) it shall be the duty of the court, before whom complaint is made, to decree such part of the remainder of said husband's estate, to the child or children aforesaid, as to them shall seem equitable. And said court may also appoint guardian or guardians for such child or children, who may be, by the court, or such guardian, bound apprentices according to the laws on that subject; or remain with, and subject to the controul of the mother, without molestation, controul, or hindrance of her said husband.

guardians may be appointed,

Power and duty of guardians:

Sec. 4. The guardians so appointed, shall come under the same conditions, perform the same duties, and be held subject to the same regulations and penalties, as guardians appointed by county courts.

Sec. 5. The court before whom such complaint shall be made, shall cause a jury to be empannelled, to try such facts as shall be urged, or relied on by the party complaining and set forth in a bill or petition; which bill or petition, shall be docketted among commonwealth's prosecutions of the court, where the same is filed, and shall be tried in its turn when called or continued, or laid over to some convenient day, as the discretion of the court may direct.

Jury to try the facts

how docketted

Sec. 6. Where any man shall have violated or renounced the marriage contract, according to the true spirit and meaning of this act; no conveyance, gift, grant or devise, to any sect, member, or members thereof, to whom he has, or is about to unite himself, shall prevent the property, real, personal, or mixed so given, granted, conveyed or devised, from being subject to any decree or decrees, pronounced by the proper court in favour of any wife, child, or children coming within the provisions of this act. *Provided, however*, that no property shall be decreed to any wife, child or children, under any provision of this act, where such wife, child or children, shall have been amply and fully provided for by such husband; according to the full extent of his estate; nor shall the benefits of this act, be granted to any wife who has lived in open adultery.

property of offender subject to a satisfaction of decree

Proviso

where wives or children are already provided

Sec. 7. After a final decree in favour of the wife under this act, the power of the husband over such wife, shall cease and determine; and she shall have a right to use her alimony, or the property so decreed her, and to acquire, use and dispose of any property whatever, without being subject to the controul, molestation, or hindrance of her said husband, in the same manner as if she was a *feme sole*.

After decree, power of husband over wife to cease

She may acquire & hold property

Court may also decree a divorce

Sec. 8. Where any wife coming under the provisions of this act, shall pray a divorce in her bill or petition, it shall be lawful for the court before whom the same is made, to pronounce a decree, declaring such wife divorced to all intents and purposes from her said husband: But such decree shall not operate so as to release such husband; who shall nevertheless, remain subject to all the pains and penalties which the law prescribes against a marriage, whilst a former wife is living: Nor shall the wife so divorced, again marry within one year after the date of such final decree.

Wives violating marriage contract, husband may obtain a divorce

Sec. 9. *Be it further enacted*, That where any wife hereafter, shall renounce the marriage covenant, and abandon her husband according to the tenor, effect and meaning of the first section of this act, it shall and may be lawful for the husband so abandoned, to sue for, and obtain a divorce, subject to the regulations and provisions of the several laws regulating divorces: But such divorce shall not operate so as to release such wife; who shall nevertheless, remain subject to all the pains and penalties which the law prescribes against a marriage whilst a former husband is living: Nor shall the husband so divorced, again marry within one year after the date of the decree pronouncing such divorce.

Privilege of *habeas corpus*, extended

Sec. 10. *And be it further enacted*, That if any religious association of persons, or any person or persons belonging to such association, or acting under their authority, shall illegally detain an infant or *feme covert*, a writ of *habeas corpus* may be had and obtained of right, by any person applying therefor. And

Duty of the court thereon

the circuit judge, or assistant judges of the circuit court issuing said writ, shall proceed in

the premises according to law; and if the persons composing such association, or any person or persons belonging thereto, or acting under their authority, to whom such writ may be directed, shall refuse or fail, without a sufficient reason assigned, to comply with the directions of the writ, such refusal or failure shall subject the offender or offenders, and each of them, to a penalty not exceeding five hundred dollars, to be applied to the reduction of the county levy, upon conviction on indictment in the circuit court having jurisdiction of the offence. And it shall be the duty of the attorney for the commonwealth of the circuit court of the county where such detention may happen, upon the request of any person whatever, to attend to the prosecution of said writ.

Penalty on failure to obey

CHAPTER CCCXCV.

AN ACT *for the benefit of the heirs of Joseph Chasten, deceased.*

APPROVED, February 8, 1812.

Preamble.

WHEREAS it is represented to the present General Assembly, that Joseph Chasten departed this life intestate, some time since, and that he was possessed of a certain tract of land on Drakes creek, in Warren county, on part of which said land was erected a water grist mill, one moiety of which belonged to said Joseph Chasten, deceased; and that said mill is now in good repair, and of considerable value; and that the heirs of said Joseph Chasten are infants, and before they can arrive at full age, that the said mill will be decayed, and of little value. Wherefore,

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That the cir-

Circuit court of Warren to appoint commissioners to value the land, &c.

cuit court of Warren county, on the application of the guardian or guardians of the infant heirs of the said Chasten, deceased, by petition to said court, in which it shall be stated, the reasons for requesting the disposition and sale of the moiety of the mill, and the land belonging to the said heirs; and the said court, if in their opinion, from the reasons stated in said petition, that the land and mill ought to be sold, they shall, by their order, appoint three discreet persons in no wise related to the said heirs, or to the co-partner of the said decedant in building the mill, directing the persons, or a majority of them so appointed, to go on the land and premises, first taking an oath before a justice of the peace of said county, impartially to value the land and mill, taking into consideration scite, and the present value of the mill and land; and report to the said court the value they have fixed. And the said court, on the return of the report, if they are of an opinion it should be most to the interest of the said infant heirs, that the land and mill should be sold, in that case, they shall enter up an order directing the sale thereof; which may be done by Jonathan Holcomb, Urbin Ewing and Jesse Berryman; who are hereby appointed commissioners, and vested with full and complete power to sell forty-five acres of said tract of land adjoining to said mill, together with the moiety of said mill that belonged to said Joseph Chasten, deceased; having first published the time and place of sale, six weeks successively in the 'Farmer's Friend,' or 'Mirror,' printed in Russelville; allowing a credit to the purchaser twelve months, on his giving bond with good security. And the said commissioners are hereby authorised to

Court may order a sale of the land on certain conditions.

Commissioners appointed to sell land

To give notice of the time & place of sale;

convey to the purchaser, all the right and title which the said Joseph Chasten had to said moiety of said grist mill, and forty-five acres of land next adjoining thereto, at the time of his decease. And the proceeds of said sale shall be appropriated to the benefit of the heirs of said Joseph Chasten, deceased, in the same manner as the proceeds of the sales of the personal estate of Joseph Chasten, deceased. *Provided;* that the said commissioners, before they enter upon the execution of the duties required of them by this act, give bond with approved security, in the county court of Warren county, in the sum of one thousand dollars, conditioned for the faithful performance of the duties hereby enjoined on them.

And to convey land

Proceeds of sale—how applied.

Proviso.

CHAP. CCCXCVI.

AN ACT directing the mode of choosing Electors to vote for a President and Vice-President of the United States.

Approved February 8, 1812.

§ 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That this state shall be divided into three districts, for the purpose of electing twelve electors, to choose a President and Vice-President of the United States, in the following manner, to wit: The first district shall be composed of the counties of Adair, Breckenridge, Butler, Christian, Caldwell, Cumberland, Grayson, Green, Hardin, Hopkins, Henderson, Livingston, Logan, Barren, Muhlenburg, Ohio, Pulaski, Union, Warren and Wayne. The second district shall be composed of the counties of Washington, Bullitt, Jefferson, Shelby, Henry, Gallatin, Frank-

State divided into three districts to choose electors.

First district.

Second district.

lin, Nelson, Mercer, Casey, Lincoln, Garrard, Rockcastle, Knox, Clay, Madison and Estill. The third district shall be composed of the counties of Floyd, Greenup, Lewis, Fleming, Bath, Montgomery, Clark, Bourbon, Nicholas, Mason, Bracken, Harrison, Pendleton, Campbell, Boone, Scott, Fayette, Woodford and Jessamine:

Third district.

Sec. 2. *And be it further enacted*, That the qualified voters in this commonwealth shall meet at their respective court houses, or place appointed by law for holding elections in their respective precincts within each county, on the second Monday in November next, and vote for four fit persons, who shall be residents of the district, as electors to vote for President and Vice-President of the United States. The same rules and regulations shall be observed by the several sheriffs, clerks, judges and voters, as is provided by law in electing members to the General Assembly.

The qualified voters to meet at the place of holding their elections; when.

Sheriffs, clerks and judges, how governed.

Sec 3. *And be it further enacted*, That the several sheriffs holding elections in any election precinct, shall meet at their respective court houses on the fifth day inclusive, after the commencement of the election, and there make faithful addition of the number of votes taken in their counties; and the sheriff in each county shall on the tenth day inclusive, after the commencement of the election, meet, as follows, to wit: Those in the first district, at the court house of Barren—Those in the second, at the court house of Mercer—and those in the third, at the court house of Bourbon, and then and there, compare the polls of their respective districts, in the same manner, and under the same rules and regulations, and in case of failure, subject to the same penal-

Duty of sheriffs holding elections in precincts.

Sheriffs to meet where and when—

Barren,

Mercer,

Bourbon,

Sheriffs to compare votes

ties, as are prescribed by law, in electing members to congress; and shall certify under their hands and seals, the persons elected in their several districts. And it shall be the duty of the sheriff of the county where the polls are compared, to transmit such certificates of election to the secretary of state, within six days after such meeting of the sheriffs, under the penalty of two thousand dollars, to be collected by motion in any court having cognizance of the same, ten days previous notice being given; and the secretary on the receipt of such certificate, shall cause the names of those persons so elected, to be published in the gazette of the public printer.

and give certificates—

Sheriffs when polls are compared to transmit certificate to secretary of state—

penalty on failure, how recovered.

Secretary to have names of the electors published.

Sec. 4. *And be it further enacted*, That the electors so elected, shall meet at the state house in the town of Frankfort, on the first Wednesday in December thereafter—and there vote for a President and Vice-President of the United States, and make return thereof agreeable to the law of the United States in that case made and provided. And the sheriffs for attending and comparing the polls under this act, shall be entitled to the same allowance, and paid in the same manner, as for attending and comparing polls for members of congress. And each elector shall be allowed two dollars for every twenty five miles he shall necessarily travel; and two dollars per day while attending in Frankfort as an elector; for which, the auditor is hereby directed to issue his warrant on the treasury.

Electors when and where to meet—

to make return.

Sheriffs allowance;

how paid.

allowance to electors,

how paid.

Sec. 5. *Be it further enacted*, That the sheriff of any county in which any person chosen as an elector shall reside, shall give such elector or electors notice in writing, of his being

Sheriffs to give notice of election to the person elected—Pe

penalty on failure—how recovered.

elected, within four days from the day of comparing the polls, and on failure, shall be subject to be fined one thousand dollars by any circuit court of this commonwealth, ten days previous notice being given him that a motion will be made.

CHAP. CCCXCVII.

AN ACT for the benefit of the heirs of Achilles Eastin, deceased, and the heirs of Samuel Ingram, deceased.

APPROVED February 8th, 1812.

Preamble.

WHEREAS the heirs of Achilles Eastin, deceased, are entitled to about 90 acres of land situated on the south fork of Licking, there being six children of the said Achilles deceased, who are entitled to the said land; two of whom are of age. And it being represented to the present General Assembly, that it would be more beneficial to the infant heirs, and the other two who are of age, to sell the land and divide the proceeds thereof between them. Therefore,

Circuit court to appoint commissioners

Sec. 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the circuit court of Bourbon, on the petition of Griffin and William Eastin, and Margaret, Susan, Polly and Thomas Eastin, infants, by their guardians, requesting the sale of the land in the preamble mentioned, and requiring commissioners to be appointed to value and report to the said court, the value of the land; and if the court should, on the return of the report, be of opinion that the land ought to be sold at the valuation reported by the commissioners, (who shall be three in number—a majority of

whom shall be sufficient to fix the price) they shall have full power and authority to enter up an order directing the sale of the land, on the guardian and the heirs, petitioners who are of age, entering into bond and security, together with the guardian of the infant heirs, to account to them when they come of age, for the sale of the land. Power of court. Respecting guardian.

Sec. 2. And it shall and may be lawful for the guardian or guardians, together with the heirs of the said Eastin who are of age, to convey the land to the purchaser or purchasers; which shall absolutely vest the legal title to land, in the purchaser or purchasers. Who to convey.

And whereas Samuel Ingram, in his lifetime, purchased 200 acres of land in the county of Wayne, and departed this life before he acquired title thereto—That a certain Edward N. Cullom became the purchaser of said land; but there not being a legal title thereto, and the death of said Samuel prevented the grant from issuing until lately, and the said Samuel dying intestate, the land descended to his heirs, to wit: Anna Hereford, late Anna Ingram, William Ingram, Polly Springer, late Polly Ingram, John Ingram; all of whom are of full age, and are willing to join in a deed of conveyance to said Cullom: But there being four other heirs of said Samuel, who are infants under the age of twenty-one years, to wit Joseph, Elizabeth, James and Samuel—That the widow of the late Samuel Ingram, deceased, and her now husband John Springer, are also willing to join in a conveyance to said Cullom, so far as said Elizabeth claims any right of dower in said land. But there being no law now in force, that could compel the infant heirs to convey, and the said Cullom being willing to com- Ingram: Preamble.

ply with the terms of his contract, and pay up the balance of the money now due to the infant heirs aforesaid, on receiving a title for the land. Therefore,

Who to convey to Cullom

Be it enacted by the general assembly of the commonwealth of Kentucky, That it shall and may be lawful for the heirs of said Samuel, deceased, who are of age, together with their husbands, and the said Elizabeth Springer, the widow, and her husband, John Springer, and James Ingram, the uncle and guardian of the infant heirs, to convey unto the said E. N. Cullom, the legal title to said land with a warranty agreeably to the condition of the obligations of said heirs of age given to the said Cullom; and as to the infant heirs, with special warranty only, without making them liable for any loss in said land, should there one happen; which conveyance, when made, shall vest in said E. N. Cullom, the legal title as effectually as though the said heirs were of full age, and signed the deed.

Proviso

Provided however, That said Cullom shall first pay unto the said James Ingram, the guardian, the full amount of the balance of the money now due to the said infant heirs.

CHAP. CCCXCVIII.

AN ACT for the benefit of the heirs of John Robinson, deceased.

Approved, February 8, 1811.

WHEREAS it appears to this legislature, that John Robinson did some time in the year 1799, or 1800, settle and improve in Franklin county, a piece of vacant and unappropriated land, containing four hundred acres, for which the county court of said coun-

ty granted him a certificate; and that the said John Robinson, in the year 1803, departed this life intestate, leaving several children, all of whom were minors. Therefore,

§ 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That the register of the land office be, and he is hereby directed to issue a grant to the legal heirs and representatives of the said John Robinson, deceased, for the aforesaid four hundred acres of land, on the heirs aforesaid, or some person on their behalf, producing to him a quietus from the auditor of public accounts, that they have paid into the public treasury twenty dollars per hundred acres for the aforesaid tract of land. *Provided however*, that such grant shall not in any wise affect the title of any other person or persons whatsoever, who may have a grant or grants, for the same; and it shall be so expressed in the grant.

CHAP. CCCXCIX.

AN ACT for the relief of the Surveyor of Nelson county.

APPROVED February 8, 1812

WHEREAS it is represented to the present general assembly, that the surveyor of the county of Nelson, failed to give bond and security agreeably to the fourth section of the act entitled "an act concerning the bonds of certain officers, guardians, &c." owing to his not knowing that such a law did exist at the time. Wherefore,

BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said surveyor of Nelson county, shall be admitted to

give the bond and security required by said act, in the Nelson county court, at their April or May terms; which shall be as valid to all intents and purposes, as if the same had been done pursuant to the requisitions of the before recited act.

CHAPTER CCCC.

AN ACT fixing the ratio, and apportioning the representation for the ensuing four years.

APPROVED, February 8th, 1812.

Sec. 1. BE *it enacted by the General Assembly of the commonwealth of Kentucky*, That the ratio for the next four years, shall be, and the same is hereby affixed at seven hundred qualified voters for each representative; and that the representation for that period, shall be, and the same is hereby apportioned throughout the state, for the house of representatives, in the following manner, to wit: From the county of Adair one; from the county of Barren two; from the county of Boone one; from the county of Bracken one; from the county of Bourbon three; from the county of Breckenridge one; from the county of Bullitt, one; from the county of Bath, one; from the counties of Butler and Grayson, one; from the county of Caldwell, one; from the county of Clarke, two; from the county of Campbell, one; from the county of Christian, two; from the county of Cumberland, one; from the county of Clay, one; from the county of Casey, one; from the county of Fayette, three; from the county of Floyd, one; from the county of Fleming, two; from the county of Franklin,

Ratio fixed at 700.

Representatives.

one; from the counties of Greenup and Lewis, one; from the county of Garrard, two; from the county of Gallatin, one; from the county of Green, two; from the counties of Hopkins and Union, one; from the county of Hardin, two; from the county of Harrison, two; from the county of Henry, one; from the county of Henderson, one; from the county of Jefferson, two; from the county of Jessamine, one; from the county of Knox, one; from the counties of Lincoln and Rockcastle, two; from the county of Logan, two; from the county of Livingston, one; from the county of Mercer, two; from the county of Madison, three; from the county of Muhlenburg, one; from the counties of Montgomery and Estill, two; from the county of Mason, two; from the county of Nelson, three; from the county of Nicholas, one; from the county of Ohio, one; from the county of Pulaski, one; from the county of Pendleton, one; from the county of Scott, two; from the county of Shelby, three; from the county of Woodford, two; from the county of Warren, two; from the county of Wayne, one; from the county of Washington, three.

Senatorial districts.

Sec. 2. *And be it further enacted*, That for the purpose of apportioning the representation in the senate, the state shall be, and is hereby laid off into thirty one senatorial districts, as follows, to wit: The counties of Bath, Floyd and Greenup, shall compose the first district—the counties of Mason and Lewis, the second—the counties of Fleming and Nicholas, the third—the county of Bourbon, the fourth—the county of Fayette, the fifth—the county of Montgomery, the sixth—the counties of

Clarke and Estill, the seventh—the counties of Woodford and Jessamine the eighth—the county of Scott, the ninth; the counties of Franklin and Gallatin, the tenth—the counties of Harrison and Bracken, the eleventh—the counties of Campbell, Pendleton and Boone, the twelfth—the county of Shelby, the thirteenth—the county of Henry, the fourteenth—the counties of Jefferson and Bullitt, the fifteenth—the county of Nelson, the sixteenth—the county of Washington, the seventeenth—the counties of Breckenridge, Ohio, Hardin and Grayson, the eighteenth—the counties of Henderson, Muhlenburg, Hopkins and Union, the nineteenth—the counties of Logan and Butler, the twentieth—the counties of Livingston and Caldwell, the twenty first—the county of Christian, the twenty second—the county of Warren, the twenty third—the county of Barren the twenty fourth—the counties of Cumberland and Wayne, the twenty fifth—the counties of Green and Adair, the twenty sixth—the counties of Lincoln and Casey, the twenty seventh—the county of Mercer, the twenty eighth—the counties of Garrard and Rockcastle, the twenty ninth—the county of Madison and Clay, the thirtieth—and the counties of Knox and Pulaski, the thirty first.

Where sheriffs to meet and when.

Sec. 3. *And be it further enacted*, That in order to ascertain the polls, where more than two counties compose a senatorial district, the sheriffs of such counties shall meet at the court house of the county first named in such district, either in choosing a senator or a representative. And in the choice of a representative, where there are two counties, the sheriffs of such counties shall meet at the court

house of the county first named, to compare such representation, on the first Monday after said election shall have commenced, inclusive of the first day of said election; and having ascertained by a faithful comparison and addition, the amount of their respective polls, shall make return of the persons elected, in the manner prescribed by law.

Sec. 4. *Be it further enacted*, That if any new county shall be established before the next enumeration and apportionment of representation, it shall be considered as a part or parts of the county or counties from which it was taken, for the purpose of representation.

Duty of sheriffs of Caldwell and Livingston respecting elections

Sec. 5. *Be it further enacted*, That the several sheriffs attending elections in the county of Caldwell, shall meet at the court house in said county, on the Thursday next succeeding the close of each election, for the purpose of comparing the votes given for the persons hereafter to be elected, and that the sheriff who may preside at the election precinct in Livingston county, shall meet the sheriff who presided at the court house, at said court house on the Thursday next succeeding each election, for the purpose of comparing the votes, given as aforesaid; and that the sheriff of Caldwell and Livingston, shall meet at Centreville on the Saturday next succeeding each senatorial election, for the purpose of comparing the votes given for senator, any thing in the acts forming election precincts in said counties, to the contrary notwithstanding.

Sec. 6. *Be it further enacted*, That the sheriffs attending the precincts in the county of Christian, shall meet at the court house on the Saturday after each election, and shall then and there, compare the polls of the candidates

and give certificates as the law directs to the persons elected, any law to the contrary notwithstanding.

CHAP. CCCCI.

AN ACT concerning the Kentucky Herald.

APPROVED, *February* 8, 1812.

BE it enacted by the general assembly of the commonwealth of Kentucky, That it shall and may be lawful for any advertisements, which may be required to be published in a newspaper, to be inserted in the "*Kentucky Herald*," to be published in Bardstown. And the editor or editors of said paper, shall be entitled to the same fees, and be governed by the like regulations as other printers in this commonwealth. *Provided*, that nothing herein contained, shall be so construed as to authorise the insertion of such advertisements as are particularly required to be published in the paper of the Public Printer.

CHAP. CCCCII.

AN ACT for the benefit of Andrew Burke, and others.

APPROVED, FEBRUARY 8th, 1812.

Preamble Andrew Burke

WHEREAS it appears that Andrew Burke, of Henderson county, settled on a tract of land in the Barrens, on the waters of Canoe and Highland creeks, and on which the said Burke now resides and for which he did not obtain a certificate:

Permitted to survey; and, when money to be paid

Sec. 1. *Be it enacted by the General Assembly*, That the said Andrew Burke shall be, and is hereby authorised and permitted, to cause to be surveyed, three hundred and se-

venty-eight acres of land, including his improvement, and lying as near as may be in a square; for which he shall pay to this commonwealth, on or before the first day of January next, the sum of twenty dollars per hundred acres.

Duty of surveyor and register

Sec. 2. *And be it further enacted*, That the surveyor of Henderson county shall be, and is hereby directed to make and record the survey of said land: And upon full payment being made as aforesaid, the register shall issue the commonwealth's patent, as in other cases. *Provided*, that nothing herein contained shall be construed to affect the claim or claims of any person or persons whatsoever.

Proviso.

Money remitted to James Barton

Register's duty

Proviso.

Sec. 3. *Be it further enacted*, That the state price due on sixty eight acres of land, granted to James Barton, by a certificate No. 2446, be, and the same is hereby remitted; and the register of the land-office is authorised and directed to issue a patent as in other cases. *Provided however*, said tract of land shall not be disposed of until all the heirs of said James arrive at full age.

Andrew Milburn to locate and survey, &c.

§ 4. *And be it further enacted*, That Andrew Milburn, of Wayne county, shall be, and is hereby empowered and authorised to locate and survey thirty-seven acres of vacant and unappropriated land lying in Wayne county, in Elk Spring Valley, adjoining the lands of Thomas Lowe; for which the said Andrew Milburn shall pay into the treasury, on or before the first day of January next, at the rate of twenty dollars per hundred acres. And upon the said Andrew Milburn obtaining the auditor's quietus therefor, the register shall issue a patent to the said Andrew Milburn, as

Register—his duty

Proviso

in other cases. *Provided*, that nothing herein contained, shall be construed to affect the claim or claims of any person or persons whatsoever.

CHAPTER CCCCIII.

AN ACT to amend the several acts respecting Election Precincts in the county of Ohio.

APPROVED, *February* 8th, 1812

Boundary of first precinct

Sec. 1. BE *it enacted by the General Assembly*, That all that part of the county of Ohio contained in the following bounds, to wit: Beginning at the mouth of Panther creek; thence up said creek to the Crane pond; thence a direct course to Baxter Davis', on Barnet's creek, and to include him; thence down said creek to Rough creek; thence down Rough creek to Green river, and down Green river to the beginning, shall be deemed the first election precinct; and the election for said precinct shall be held at the house of Isaiah Hunt, on Longfall's creek.

Boundary of 2nd precinct

Sec. 2. *Be it further enacted by the general assembly*, That all that part of the said county contained in the following bounds, to wit: Beginning at the mouth of Panther creek; thence down Green river to the Henderson county line; thence with said line to the Ohio; thence up the Ohio to the Breckenridge county line; thence with said line to Panther creek, and down the same to the beginning, shall be designated by the second election precinct; and the election for said precinct shall be held at the house of John Laman, at the Yellow banks.

Boundary of 3rd precinct

Sec. 3. *Be it also further enacted by the general assembly*, That all that part of the said county contained in the following bounds, to wit: Beginning at a point on Rough creek, so

that by running a due noth course to Panther creek, will leave Pardon Tabor one mile to the east; thence up Panther creek to the Breckenridge county line; thence with said line to Rough creek, and down the same to the beginning, shall be deemed the third election precinct; and the election for the aforesaid precinct, shall be held at the house of Benjamin Kelly, on Adams' fork. The county court of Ohio county, shall annually appoint two judges of the election and a clerk, resident in each of the foregoing precincts, whose duty it shall be, together with the sheriff or deputy sheriff of the county of Ohio, to attend at the several places appointed for holding elections, on the days required by law; and after taking the necessary oaths, to conduct the election, under the same rules and regulations as prescribed in other cases of elections; and on failure of the judges, clerk, or either of them, to attend, their places shall be supplied by the sheriffs, calling on some discreet bye-standers, citizens of the said precinct; and all the voters in said precinct shall vote therein, and not elsewhere.

County court to appoint judges, &c. to conduct elections.

Sec. 4. *Be it further enacted*, That the sheriff attending the respective elections at the court-house of said county, and the said precincts, shall meet at the court-house on the Saturday next succeeding the commencement of each general election; and at the same place on the fourth day inclusive, succeeding the commencement of any election held by virtue of a writ of election; and having so met, in either case, to compare and add the respective polls, and join in a certificate or certificates, to the person or persons elected.

When sheriffs to meet to compare polls.

Sec. 5. *Be it further enacted by the general*

Repealing clause.

assembly, That all acts and parts of acts heretofore enacted, laying off election precincts in the county of Ohio, shall be, and are hereby repealed.

CHAP. CCCCIV.

AN ACT authorising the trustees of the town of Nicholasville to sell real property in said town, under certain restrictions.

Approved February 8, 1812.

§ 1. BE *it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Nicholasville, in the county of Jessamine, shall have power to levy a tax on the real property in said town, in proportion to the value of the lots, not exceeding one hundred cents for every hundred dollars; and the trustees, or a majority of them, shall have power to cause an assessment to be made of the lots in said town, in order to enable them to fix the sum to be paid by the proprietors or occupants of the lots. *Provided however*, that a majority of the trustees shall concur in laying the tax.

Power of trustees.

Trustees to appoint collector of tax.

§ 2 And the trustees, or a majority of them, may appoint some fit person to collect the tax. And should the owner or occupant, refuse to pay the tax, for the space of three months after the amount of the tax is fixed as herein provided, in that case the collector shall, after giving thirty days notice by advertisement at three of the most public places in said town, expose for sale the lot or lots, or so much thereof as will be sufficient to pay the tax and cost of sale: but the owner or owners of the lot or lots, his, her or their heirs, executors or administrators, shall have twelve months from the time of sale of the

Lots may be sold, and how long advertised.

Owners may redeem.

lot or lots, or parts of lots, to redeem the lot or lots, or part of lot or lots, by paying to the purchaser the amount the lot or lots, or part of lots sold, with 100 per cent thereon. And the collector shall be entitled to seven per cent on the amount of the tax collected under this act.

§ 3. And the trustees of the town shall have full power to convey to the purchaser, by deed or deeds of conveyance, the lots, or part of lots sold under the provisions of this act, and not redeemed within the time allowed for redemption, which shall vest in the purchaser his, her, or their heirs, or assignee or assigns, all the right, title and interest of the owner or owners, in and to the lot or lots, or parts of lots, saying, however, to infants, *femes coverts*, and persons of unsound minds, a right to redeem within three years after their several disabilities shall be removed, or come of age. *Provided however*, that the collector shall not be allowed to sell any lot, or part of a lot, where sufficiency of personal estate can be found on such lot or lots, or parts of lots, to satisfy the tax due; which the collector is hereby authorised to seize and sell. Further power of trustees

CHAPTER CCCCV.

AN ACT *authorising the sale and conveyance of part of the public ground of the county of Jefferson, in the town of Louisville.*

APPROVED, February 8, 1812.

WHEREAS the trustees of the town of Lonisville, in laying off the same appropriated for public uses, the half acre lots No 223, 224, 225 and 226, on the north side of Jefferson street, containing 105 feet in front, and 210 feet back, each, with a street 60 feet Preamble.

wide between the lots No. 224 and 225. Also the half-acre lots No. 275, 276, 277 and 278, on the south side of Jefferson street, containing each 105 feet in front, and 210 feet back, with a street 60 feet wide between the said lots No. 276 and 277. And whereas the said lots, together with the said streets, make about six acres; no part of which has yet been conveyed to the county court of Jefferson for the use of the public. And whereas also, by the fifth section of the act passed and approved the 17th day of December, 1796, entitled "an act to reduce into one the several acts establishing county courts, and regulating the proceedings therein, and concerning the appointment of justices of the peace, and their jursdiction," the fee simple to no more than two acres of the land so appropriated, has vested in the said county court of Jefferson county. And the members of said court, and trustees of the said town, wish that so much of the said ground appropriated for public uses, as lies on the south side of Jefferson street, shall be sold, and the proceeds applied to the erection of a new court house on the residue of the said public ground; with leave also to sell the present court house, and apply the proceeds in the same. But for the want of such power in the said court, and a power in the said trustees to sell or convey lots in such cases, the objects aforesaid cannot be accomplished without the aid of the legislature. Therefore,

Power of county court.

Sec. 1. BE *it enacted by the general assembly of the Commonwealth of Kentucky*, That the said county court of Jefferson county, may, and hereby is authorised and empowered, at any time within one year from the passage of this act, to make sale of all that part of the ground

appropriated for public uses, that lies on the south side of Jefferson street, in the said town of Louisville, aforesaid; and the trustees of said town are also hereby authorised and empowered to convey the ground, which shall be so sold to the purchaser or purchasers, in fee simple. *Provided however*, that as much of the said ground, on the eastwardly side, as is necessary for a street from Jefferson street to Centre street, shall not be sold under the authority of this act. *Provided also*, that no sale of the said ground shall be made to the injury of any owner of a lot or lots adjoining the same, without his, her, or their consent. Proviso,

Sec. 2. *And be it further enacted*, That the said county court of Jefferson shall be, and they are hereby authorised and empowered to make sale of their present court-house, under such terms and conditions as they may deem best; and that the proceeds thereof, and of the sale of the said ground, shall be applied in aid of a liberal sum to be levied by said court, for building a new court-house on the public square in Louisville. *Provided*, that the said county court of Jefferson shall, in the present year, levy a sum sufficient in aid of the funds established as aforesaid, to build a large and commodious court-house. To sell present court-house—and for what

CHAP. CCCCVI.

AN ACT to amend an act entitled "an act to amend the law respecting cut-money."

APPROVED, February 8, 1812.

§ 1. BE *it enacted by the general assembly of the commonwealth of Kentucky*, That the fourth section of the act aforesaid, shall be, and the same is hereby repealed. Repealing clause

Cut-money may be received for three years.

§ 2. *Be it further enacted*, That cut-silver shall be received by weight, into the public treasury in discharge of any revenue or debt due, or to become due unto the commonwealth of Kentucky, under the regulations prescribed by the act aforesaid, until the expiration of three years from the passage of this act.

CHAPTER CCCCVII.

AN ACT directing the duties of the Sergeant of the Court of Appeals.

APPROVED, February 8th, 1812.

Process to be directed to the sergeant of the court of appeals.

his duty—

Penalty for neglect of duty.

His fee for serving process.

§ 1. BE *it enacted by the general assembly of the commonwealth of Kentucky*, That it shall be lawful for all process issued from the General court, to be directed to the sergeant of the court of Appeals; and it shall be the duty of the said sergeant by himself or his deputy, to duly execute and return all such process to him directed, in like manner as sheriffs are by law required to execute and return similar process to them directed; and for any misconduct in office, or neglect of duty by such sergeant or his deputy in relation to such process, the like penalties shall be incurred, and the like remedy had, as are imposed and prescribed by law in relation to sheriffs. It shall also be the duty of the said sergeant, to serve all notices on sheriffs, clerks, coroners, collectors of public monies, and their securities, and all others which may, by any officer of government, be put into his hands for service, in relation to any suit depending in the General court, in which the commonwealth is party. And for his services therefor, he shall be entitled to receive the sum of sixty two and one half cents, for each defendant on whom he shall

serve such notice, and the sum of three cents for every mile he shall necessarily travel in going to, and returning from serving such notice

Sec. 2. The fees of the sergeant, for the other services required by him, shall be the same as given by the law authorising the appointment of a sergeant of the court of Appeals. His fees for the service of process, &c. shall be taxed in the bill of costs, and be recovered in the same manner as sheriffs' fees for similar services.

Fees for their services

Sec. 3. For all fees against the commonwealth for services rendered by the sergeant, he shall exhibit an account to the court, in relation to whose business the service was rendered; which court shall examine the same, and upon being satisfied of the performance of the service, and of the correctness of the charges, shall certify the same to the auditor of public accounts, who shall thereupon issue his warrant therefor, and the same shall be paid out of the public treasury.

To exhibit his account to the court—

to be examined by the court and certified to auditor.

Sec. 4. *And be it further enacted*, That in future the sergeant of the court of Appeals, be appointed and empowered to do the duty of the sheriff of Franklin county, in the General court during their session; and that he receive the same compensation. And the said sergeant shall enter into bond with security, to be approved by the General court, in the sum they may think necessary, for the full and faithful discharge of the duties enjoined by this act.

To do the duty of the sheriff of Franklin—

to execute bond

CHAP. CCCCVIII.

AN ACT allowing compensation to the Commonwealth's Attornies.

APPROVED, February 8, 1812.

WHEREAS, it has been represented to this General Assembly, that in some

of the circuits of this commonwealth, the courts have withheld the compensation to the commonwealth's Attornies for the year 1811:—

Be it therefore enacted, That in all such cases, the same procedure shall be had, that regulated the compensation to the said attornies in the year 1810.

CHAP. CCCCIX.

AN ACT further to amend the law altering the mode of taking in lists of taxable property.

APPROVED February 8th, 1812.

§ 1. BE *it enacted by the general assembly of the commonwealth of Kentucky*, That each and every person subject to taxation, who shall remove from the bounds of one militia company to that of another, within this commonwealth, between the 10th day of March, and the first day of August, shall give in his, her, or their lists of taxable property, to the commissioner into whose bounds he, she, or they may so remove; and any person failing or refusing to give in their list as aforesaid, shall be subject to the same penalties as other persons are, for failing or refusing to give in their lists of taxable property. *Provided, however*, that no person shall be liable to any fine or penalty, who may produce to the commissioner of tax, into whose bounds he, she, or they may have so removed, a certificate from some other commissioner, that he, she or they, have given in their lists of taxable property for that year; which certificate the commissioner who may have received such lists, shall be bound to give on application.

Persons removing from one county to another where to give in their lists

penalty on failure

proviso

Sec. 2. *And be it further enacted*, That

when from any cause whatever, the company musters shall not be appointed for the months of April and June, the commissioner shall be governed by the muster days of such company the preceding year, and shall advertise and attend accordingly; and any person failing or refusing to attend such appointment, and giving in his, her, or their lists as aforesaid, shall be liable to the fine imposed by the seventh section of the act altering the mode of taking in lists of taxable property, approved January 30th 1810. Duty of commissioners in certain cases

Sec. 3. *And be it further enacted*, That it shall be the duty of each and every commissioner of tax, to make personal application to each and every widow, subject to taxation in the bounds of his precinct; and also to each and every other person within his said precinct subject to taxation, who from known age or infirmity, may be unable to attend at either of the company musters, or the commissioner's house. further duty of commissioners.

Sec. 4. *And be it further enacted*, That it shall be the duty of the several commissioners of tax, to make out their returns of taxable property in alphabetical order; in which they shall enter their own property subject to taxation, and return the same to the clerk of their county court, on or before the 15th day of August.

Sec. 5. *And be it further enacted*, That the several commissioners aforesaid, shall give information to the court of their county, of each and every person who may fail or refuse to give in their lists of taxable property, at any time before the first day of November, agreeable to the provisions of the aforesaid act.

Duty of the clerks of county courts.

Sec. 6. *And be it further enacted*, That the several county court clerks, shall hereafter make out three alphabetical books agreeable to the act to which this is a supplement; one of which he shall transmit to the auditor of public accounts, on or before the fifteenth day of October.

CHAPTER CCCCX.

AN ACT for the appropriation of Money.

APPROVED. February 8th, 1812

Sec. 1. BE *it enacted by the General Assembly of the commonwealth of Kentucky*, That the following allowances be made to the persons hereinafter mentioned, to wit:

Speakers' Clerks

To the speaker of the senate and house of representatives, four dollars per day, each—To the clerks of the senate and house of representatives, sixty dollars per week, each—To the

Serjeants at arms.

serjeants at arms to the senate and house of representatives, sixteen dollars per week, each—To the door keepers of the senate and

Door keepers

house of representatives, sixteen dollars per

Clerks of the committees

week, each—To the clerks of the committees in the senate and house of representatives, fourteen dollars per week, each—To the

Clerks for stationary

clerks of the senate and house of representatives, for stationary furnished during the present session, twenty five dollars each—To Ro-

R. Divine

ger Divine, for cutting fuel, furnishing water, candlesticks and candles for the house of representatives during the present session, fifty

D. Johnson

dollars—To David Johnson, for cutting fuel, furnishing water, candlesticks and candles for the senate, during the present session, fifty dol-

W. Gerard

lars—To William Gerard, public printer, the

balance of his account for the public work from the 25th day of January, 1811, to the 4th February, 1812, seven hundred and twelve dollars and fifty cents—To David Niess, jr. for binding the acts of the present session, and fifteen hundred copies of the militia law, as authorised to be bound by resolution of the present session, four hundred and seventy-five dollars; two hundred of which shall be paid in advance; the residue when the several works are completed—To William Hunter, for one copy of the second and third volumes of Littell's edition of the laws of Kentucky, furnished the house of representatives, eight dollars—To Charles Scott, governor of this commonwealth, the amount of his subscription to the town-watch for two years, ending the first of April next, and sundry repairs on the governmental lot, fifteen dollars and seventy five cents—To David Johnson, for one hundred and twenty-nine loads of wood furnished the legislature, one hundred and twenty-nine dollars—To the serjeant of the court of appeals, for services rendered the commonwealth by order of that court, twenty-nine dollars and thirty-six cents—To Roger Divine for chairs furnished the house of representatives, seven dollars—To John Duncan, deputy sheriff of Madison county, for serving four subpœnas for the commonwealth, on the heirs of John Holder, deceased, two dollars—To Thomas V. Loofburrow, for repairs in the representative chamber, six dollars and twenty-five cents—To Alexander Andrews, for materials and repairs on the chair of the speaker in the house of representatives, five dollars and fifty cents—To Allen F. M'Curdy, the balance of his account for sundry repairs done the state house,

D. Niess

W. Hunter

C. Scott

D. Johnson

Serjeant of court of appeals

R. Divine

J. Duncan

T. V. Loofburrow

A. Andrews

A. F. M'Curdy

Auditor

nine dollars thirty-two cents—To the auditor of public accounts, in addition to his annual salary, seven hundred and fifty dollars to enable him to employ a competent number of

Serjeant at arms of H R.

clerks in his office—To the serjeant at arms of the house of representatives, for sending a writ of election to Henry county, two dollars—

public printer

To the public printer in advance, for services of the present year, five hundred dollars.

Speakers to certify 4 days to clerks of houses

Sec. 2. *Be it further enacted*, That the speakers of the respective houses, in making out the certificates to the clerks of each house respectively, shall add four days to the number which the legislature have been in session, as the time they will be necessarily employed in completing the journals, preparing the acts for publication, arranging and filing the papers.

Treasurer

To the treasurer of this commonwealth, in addition to his salary for the present year, one

Register

hundred dollars—To the register of the land-office in addition to his present salary, one

A. Andrews

hundred and fifty dollars, to enable him to employ a clerk—To Alexander Andrews, for a balance due him for work done on the governor's house, and materials furnished, twenty-six

E. Bacon

dollars and sixty seven cents—To Edmund Bacon, the amount of his account for erecting a house on the public square, one hundred and

Keeper of state house

thirty four dollars and thirty nine cents—To the keeper of the state house, for washing and cleaning the house after the repairs made in

Same

plaistering, white-washing, &c. fifteen dollars—To the same, for a gate and fence round the

Auditor

front steps of the state house yard, ten dollars and forty-seven cents—To the auditor of public accounts for making out four large alphabets to the books containing the accounts of the debt due from the sale of vacant lands in this

commonwealth, one hundred and fifty dollars—To the agent of the penitentiary house, for a stone sill for the back door of the state house, ten dollars—To Robert S. Todd, employed by the select committee appointed to prepare and bring in a bill to revise and amend the militia law, for transcribing 57 pages, as collated and compiled by the said committee, and for other services, fifteen dollars—To John H. Hanna, clerk of the federal court, for furnishing the legislature with lists of the census, five dollars—To Francis W. Sterne, for commissions in levying an execution in behalf of the commonwealth against the sheriff of Pendleton county, twelve dollars and eighty three cents—To Funstall Cox, for balance paid for digging stumps out of the state house yard, twelve dollars and fifty cents—To the serjeant at arms of the senate, for articles furnished the senate, as per account rendered, seventeen dollars and fifty cents—To Paul Faught, for the pump in the state house yard, as per account rendered, forty-five dollars.

J. Watkins

R. S. Todd

J. H. Hanna

F. W. Sterne

T. Cox

Serjeant at arms of the Senate

P. Faught

RESOLUTIONS.

Resolutions respecting the Volunteers who fell in the late Battle on the Wabash.

IMPRESSED with a belief, that national feeling and gratitude, are the best security to the endurance of our Republic; and giving life and energy to the body politic, render us firm in our union, and formidable to enemies:—That it is a country's gratitude, that compensates the SOLDIER for his scars; and perpetuates grateful recollection of his services:—That it is a country's gratitude, that softens the rugged pangs of those, left to mourn husbands, fathers and friends, lost in avenging a country's wrongs. With a view to the proper expression of this gratitude:

Resolved, By the General Assembly of Kentucky, That the brave deeds of our Officers and Soldiers in the late Battle on the Wabash, deserve not encomiums only; but unfading fame in the hearts of their countrymen.

Resolved, That the members of this Body and their Officers, will, for the space of thirty days, wear CRAPE on their left arms, in testimony of their deep regret for the loss of the brave and meritorious Colonels **DAVEISS** and **OWEN**, and the other Volunteers from Kentucky, who fell in the battle.

Approved December 11, 1811.

On the subject of Foreign Relations.

WHEREAS it is deemed by the Legislature of this State, that they have in the name, and on behalf of their constituents, at all times a right to express, so far as their knowledge and information will enable them, the sense of the good people of this state, respecting the measures of the National Government: And a crisis in our public affairs having arrived, which, in the opinion of this legislature, calls for the exprssion of public sentiment, respecting the course to be adopted, in order to resist the repeated, long continued and flagrant violations of our rights as a free and independent nation, by Great-Britain and France—and by the former especially: whose pretensions are an insult to our sovereignty; and which, if yielded to, must end in our entire submission to whatever they may think proper to impose.

The people of this state, though not immediately exposed to those

piratical depredations, which vex and destroy the commerce of their eastern brethren on the Ocean, cannot be less deeply interested in their effects. They look to the sufferings and wrongs of a single member, as intimately affecting the whole body.

The state of Kentucky, yielding to none in patriotism; in its deep-rooted attachment to the sacred bond of the Union; in its faithful remembrance of the price of our freedom; and in the heart-felt conviction, that our posterity have a sacred claim upon us to transmit to them, unimpaired, this inestimable inheritance—cannot fail to be penetrated with any event which threatens even to impair it; much less then, can she be insensible to those daring wrongs of a foreign power, which lead to its immediate destruction.

The people of this state have looked up with confidence to the General Government, under a settled conviction, that the necessary measures would be seasonably adopted, to obtain redress, commensurate with the atrocious injuries that we have sustained.

Forbearance beyond a certain point, ceases to be moderation; and must end in entire subjection.

It is not the purpose of this Legislature, to recapitulate or enter into any argument, to prove the existence and extent of those injuries sustained from both the great belligerants of Europe. Those who feel, need not reason to produce the conviction of unjust suffering: and those who cannot feel wrongs so palpable, no reasoning will convince.

We wish we could have it in our power to say, *when* Great Britain has ceased to harrass and injure us; *when* she has shewn towards us an amicable disposition in the true spirit of justice; *when* she has ceased her efforts to diminish that security and and prosperity which are the eternal barriers of separation from her power; and, to impair that liberty and independence, forced from her tyrannical grasp.

We could willingly have hailed a friend in a former unnatural parent; and from the experience of her regard to principles of justice and reciprocal good offices, have ceased to recal those wanton cruelties, that alienated us forever from her family.

But when we have discovered a systematic course of injury from her toward our country, evidencing too strongly to be mistaken, an utter disregard of almost every principle of acknowledged right between independent nations; endeavoring by almost every act of violence on the high seas; on the coasts of foreign powers with whom we were in amity; and even in sight of our own harbors, by capturing and destroying our vessels; confiscating our property; forcibly imprisoning and torturing our fellow citizens; condemning some to death; slaughtering others, by attacking our ships of war.

impressing our seamen to man her vessels; bidding defiance to our seaports; insulting our national honor by every means that lawless force can devise; inciting the savages (as we have strong reasons to believe) to murder the inhabitants on our defenceless frontiers; furnishing them with arms & ammunition lately to attack our forces, to the loss of a number of our brave men; and by every art of power and intrigue, seeking to dispose of our whole strength and resources, as may suit her unrestrained ambition or interest: And when her very offers of redress, go only to sanction her wrongs, and seek merely a removal of those obstacles interposed by our government to the full enjoyment of her iniquitous benefits, we can be at no loss what course should be pursued.

Should we tamely submit, the world ought to despise us. We should despise ourselves. Great-Britain herself would despise us. When she shall learn to respect our rights, we shall hasten to forget her injuries—Wherefore,

1. *Resolved by the General Assembly of the State of Kentucky*, That this state feel deeply sensible of the continued, wanton and flagrant violations by Great-Britain and France, of the dearest rights of the people of the United States, as a free and independent nation:—That those violations, if not discontinued, and ample compensation made for them, ought to be resisted with the whole power of our country.

2. *Resolved*, That as war seems probable, so far as we have any existing evidence of a sense of justice on the part of the government of Great-Britain, that the state of Kentucky to the last mite of her strength and resources, will contribute them to maintain the contest and support the rights of their country, against such lawless violations; and that the citizens of Kentucky are prepared to take the field when called on.

3. *Resolved*, That (while they have full and undiminished confidence in the administration and general government of the United States) in their opinion, the crisis calls for energetic measures; and that a temporising policy, while it might seem to remove the evil to a greater distance, would serve only to secure its continuance.

4. *Resolved*, That we will most readily lend our support also, to any measures which may be adopted by the general government, to counteract the arbitrary restrictions, or unjust violations of our commerce by France.

Resolved, that copies of the foregoing resolutions be transmitted by the governor of this commonwealth; one to the President of the U. S. to be by him laid before Congress; and one to each of our senators and representatives in that body.

Approved 13th January, 1812.

Respecting the conduct of Governor HARRISON.

RESOLVED by the Senate and House of Representatives of the State of Kentucky, That in the late campaign against the Indians upon the Wabash, Governor WM. H. HARRISON has, in the opinion of this Legislature, behaved like a hero, a patriot and a general:—and that for his cool, deliberate, skilful and gallant conduct in the late battle of Tippecanoe, he well deserves the warmest thanks of the nation.

Resolved, That the governor of this state, be requested to transmit a copy of the above resolution, to governor William H. Harrison.

Approved, January 13, 1812.

A resolution for the benefit of Daniel M'Cleland.

WHEREAS, it appears to the General Assembly, that Daniel M'Cleland late sheriff of Shelby county, is in arrear with the commonwealth, owing to the default of a deputy, from whom there is no hope of remuneration; that a judgment hath been obtained for the debt, damages, interest and costs. And it further appearing that the said Daniel M'Cleland, was on the late campaign and battle on the Wabash; that his agents from sickness and other causes, was unable in his absence, so to attend to the subject as to raise the necessary money out of the said M'Cleland's property, without an unreasonable sacrifice; that he is old and has several young and helpless children; that a forced sale of his property at the present unfavorable time, would materially injure him without benefiting the public. Wherefore,

Resolved by the General Assembly of the commonwealth of Kentucky, That the execution of the judgment aforesaid, shall be stayed for one year, upon the said M'Cleland securing the debt by giving bond with security, to be approved of by the auditor. That the damages be, and they are hereby remitted; that the payment of the debt, interest, and costs without damages, shall discharge the demand.

Approved, January 24, 1812.

A Resolution respecting the binding and printing the Militia Law.

Resolved by the General Assembly of the commonwealth of Kentucky, That the public printer be, and he is hereby directed, to print as soon as possible fifteen hundred copies of the act, to revise and amend the militia law of the state, passed the present session, inclu-

ding the laws of congress on that subject, and deposit the same in the book-bindery of David Neiss, jr. who shall, with all practicable dispatch, bind the same substantially in boards with linen backs, and then deposit the same in the Secretary's office, to be by him, distributed in such manner as he may think advisable, so as to furnish each major general, brigadier general, lieutenant colonel, major, and their respective staff officers and captains, with one copy.

Resolutions respecting a change of the land route from this state to New Orleans.

WHEREAS, it is of the highest interest and importance to the citizens of the United States residing west of the Allegany mountains, at least such of them as trade to New Orleans, and the ports near it, that plain and direct land routes should be opened for their return: And whereas, it is certain that the roads now in use are very circuitous, and are laid out on bad and improper ground in many places; Wherefore,

Resolved, By the General Assembly of Kentucky, That our senators and representatives in the congress of the United States, be earnestly requested to procure a road or high-way, to be provided by the authority of the United States—to leave New Orleans, and pass over lake Ponchartrain, at, or near the mouth of Chefunta; thence up Pearl river, so as to connect with the road now in use, at, or near Brashear's, in the Chocktaw nation of Indians. Also that a road be laid out and provided—to leave the present road at, or near M'Intosh's, in the Chickasaw nation of Indians, and to take the best way, so as to cross the Tennessee below the mouth of Duck river; and the Cumberland at the nearest and best point between Palmyra and the mouth of Little river.

Resolved—That the senators and representatives in the congress of the United States, of all the states and territories interested in this arrangement, be most respectfully solicited to lend their aid in effecting it.

Resolved—That the governor of this commonwealth, be requested to transmit a copy of these resolutions, to the representatives and senators of Kentucky, Tennessee, Ohio, Virginia, Pennsylvania and the Indiana Territory, in the congress of the United States.

Aproved February 1, 1812.

A resolution respecting the procurement of arms.

Resolved, By the General Assembly of the commonwealth of Kentucky, That the governor be, and he is hereby requested, to

make application to the General government for the proportion of arms to which this state is entitled, by virtue of an act of congress, passed April 23, 1808, entitled "an act making provision for arming and equipping the whole body of the militia of the U. States."

Resolved, That when such arms are received, that they be deposited at the seat of government, under the controul of the governor for the time being, and subject to the future disposition of the legislature.

Approved February 4, 1812.

A resolution concerning the militia law.

WHEREAS, the present law requires that the acts of each session shall be chaptered by the clerks, and inserted by the public printer according to the time of approval; but it appearing that the printing and binding the present militia law may be expedited, and the expence of composition saved, if the printer was permitted to insert it as the first act of the present session: Wherefore,

Resolved, By the General Assembly of the Commonwealth of Kentucky, That the public printer be authorised to insert the Militia law at the beginning of the volume of the acts of this session.

Approved February 8, 1812.

A resolution respecting the claim of William Hunter.

Resolved, By the General Assembly of the Commonwealth of Kentucky, That George Madison, Christopher Greenup and Martin D. Hardin, or any two of them, be, and they are hereby appointed commissioners to settle the claim of William Hunter, late public printer, against the commonwealth for services performed in the years 1808 and 1809, as well as the claim of the commonwealth against said Hunter, for monies said to be improperly drawn by him from the treasury; and if upon such settlement, they shall find that the said Hunter is indebted to the commonwealth, they shall certify the same, and the amount to the Attorney General; for which a suit shall be brought by said attorney, against said Hunter, upon his refusing to pay the same into the treasury. But if a balance shall be found in favour of said Hunter, they shall certify the same, and the amount thereof, to the auditor of public accounts, who shall issue his warrant to the treasurer, in favour of said Hunter for the same; which the treasurer shall pay out of any monies in the treasury, not otherwise appropriated.

Resolved, That the commissioners shall be allowed two dollars per day each, for their services, to be paid by the said William Hunter.

A resolution appropriating certain rooms in the state house.

RESOLVED, By the General Assembly of the Commonwealth of Kentucky, That the two adjoining rooms in the South-West corner of the state-house, on the third floor; be appropriated to the use of the United States courts for this state. And that Martin D. Hardin, Thomas V. Loofburrow and Daniel Weisiger, or any two of them, be permitted to have the same repaired, and fitted up for the purposes aforesaid.

Approved February 8, 1812.

A resolution respecting Daniel Boone.

Approved February 8, 1812.

THE committee to whom was referred the memorial of Daniel Boone, beg leave to recommend the following resolutions to be adopted:—

The Legislature of Kentucky taking into view the many eminent services rendered by colonel Daniel Boone, in exploring and settling the Western county, from which great advantages have resulted, not only to this state, but to his country in general; and that from circumstances, over which he had no controul, he is now reduced to poverty, not having so far as appears, an acre of land out of the vast territory he has been a great instrument in peopling.

Believing also, that it is as unjust, as it is impolitic, that useful enterprise and eminent services should go unrewarded by a government, wherein merit confers the only distinction. And having sufficient reason to believe, that a grant of ten thousand acres of land which he claims in Upper Louisianna, would have been confirmed to him by the Spanish government, had not the said territory passed by cession, into the hands of the General government: Wherefore,

Resolved, By the General Assembly of the commonwealth of Kentucky, That our senators and representatives in congress, be requested to make use of their exertions, to procure a grant of land in said territory to said Boone, either the said ten thousand acres, to which he appears to have an equitable claim, from the grounds set forth to this legislature) by way of confirmation, or to such other quantity, and in such place, as shall be deemed most advisable by way of donation.

Resolved, That copies of these resolutions, be transmitted by the governor, to our senators and representatives in congress, together with copies of the memorial of said Boone to this legislature, for their further information.

Resolutions upon the subject of the National Militia.

Resolved by the General Assembly for the state of Kentucky—That,

whereas the subject of our national militia, at all times important, seems, from the aspect of our foreign relations, to be peculiarly so at the present time; and experience having shewn, that the present system has great defects, producing much inconvenience without many of those benefits which a better arrangement would insure. And the legislature of this state, being impressed with a belief that an adequate remedy for the evil rests in the hands of the general government alone, which has a constitutional power to provide for the organization, arming and disciplining our national force.—This legislature, in behalf of their constituents, with every deference to the wisdom of those whose power and duty it is to act finally on the subject, will proceed to suggest their ideas on some of the inconveniences which attend the present militia system, together with the mode in which they might be obviated; with a view to their being submitted to the competent authority.

1. Although a well organized militia is the greatest safe-guard of a free people, because the soldiers being the citizens, their military interest is to secure their civil rights; yet this safe-guard can only be available in proportion to the capacity of the militia to act with effect.

2. This capacity seems to be composed of numbers, organization, discipline and arms; which latter may include camp equipage and the necessary munitions of war.

3. Number is but one ingredient of military capacity; because, a small number well armed and disciplined, will defeat a larger one, which is inferior in these two respects.

4. Organization seems to be the mean by which any given number of troops may be disposed of so as to act; and the more perfect this is, with so much more facility can that number be brought into action to the extent of its force, upon any emergency.

5. The extent of the force of a given number of troops when brought into action, will be, in the general, in proportion to its discipline and armature. These two, therefore, seem to compose the hand that is to execute; and the more perfect they are when in action, in that proportion will the force of any given number of men be greater—and as it is seen that the perfection of this force, the reverse of that of a standing army, turns to the advantage of the state against her enemies, without threatening the rights of her citizens, the object, then, which highly interests every portion of the Union, seems evidently to be, so to organize the national force, that it can be used with the greatest facility and effect, for legitimate purposes—while the soldier shall be still so far a citizen, as to have an interest in respecting the rights of the latter, which are in fact his own, so as never to cause and abuse or diversion of that force from its true end. If, therefore, every individual in the United States,

capable of bearing arms, were to be so organized, disciplined, armed and accoutred, as to act when required, it would certainly present the spectacle of a perfect militia of the whole, which no age or country ever witnessed, and most probably in a country or government like ours, never will be seen. And if a general draft were to be made, and we ought to calculate on the effect of this, to be equal, it must be impartial; and how many who would have neither arms, accoutrements or discipline, would be thus designated? Men who might be useful at home, but who would scarcely find employment for our enemies, even if armed; and whose rout and slaughter would only serve to mark our calamity, and spread dismay amongst our friends. And experience has proved, that substitutes are seldom worth any thing. But does not the circumstance of a general draft, shew forcibly the defect of our militia organization? How much time is lost in mustering all the militia in the United States? How much will it require to hunt up arms, and to get those of the proper description? The latter, we much suspect, could not be easily procured. Thus it has happened, as it is thence to be inferred will again happen, that the season for action has passed away in preparation—giving in many cases, advantages to the enemy, not easily regained.

6. But it is seen from experience, that habits of discipline are most effectually acquired in youth. The youth too, of every country, seem to be from their vigor and alertness, best calculated for military service. Their very ardor itself, seems to be the guarrantee of successful enterprize; and certainly they can be spared for this service, with much less inconvenience to the avocations of civil life, than the heads of families; and these pursuits must still be attended to, or the very sinews of war will be dried up or broken.

7. The remedy therefore, which this Legislature would beg leave to submit for the consideration of Congress, is: To class the militia between certain ages—And without intending the slightest disrespect to the wisdom of that honorable body, they would, by way of example, submit, that the militia might be divided into three classes—The first to be composed of all capable of bearing arms, and not exempted by law, between 15 and 21 years of age—The second between 21 and 27 years of age—The third between 27 and 45 years of age. The principle object of the first class, would be to acquire a knowledge of tactics and discipline: Of the second, which might be denominated the effective one, to be completely armed and equipped, to march whenever required: Of the third, to form a reserve, and which need not be compelled to attend musters, unless when they were called upon to render actual service.

It is not deemed proper to enter into a detail of measures for keeping the middle or effective class, properly armed and equipped that it should be so, is evident.

The progress of all capable of bearing arms, through the several classes, would promise a greater perfection in discipline, than can be effected under the present plan; all would in fact, have thus passed through a school, in which it would have been taught, and perhaps more than a million of dollars be annually saved to the community, in the labor of those excused from uselessly attending musters. But the greatest advantage which would result from it, would be the keeping an effective, disposable and competent military force, at all times ready for service, without the danger and inconvenience resulting from a standing army. These ideas are submitted merely with the view that the attention of the national legislature should be called to the subject; and it appears that none can be of higher moment.

Resolved—That copies of these resolutions be transmitted—one to the President of the United States—and one to each of our Senators and Representatives in Congress, for the purpose of being submitted to that body.

APPROVED, February 8, 1812.

THE END.

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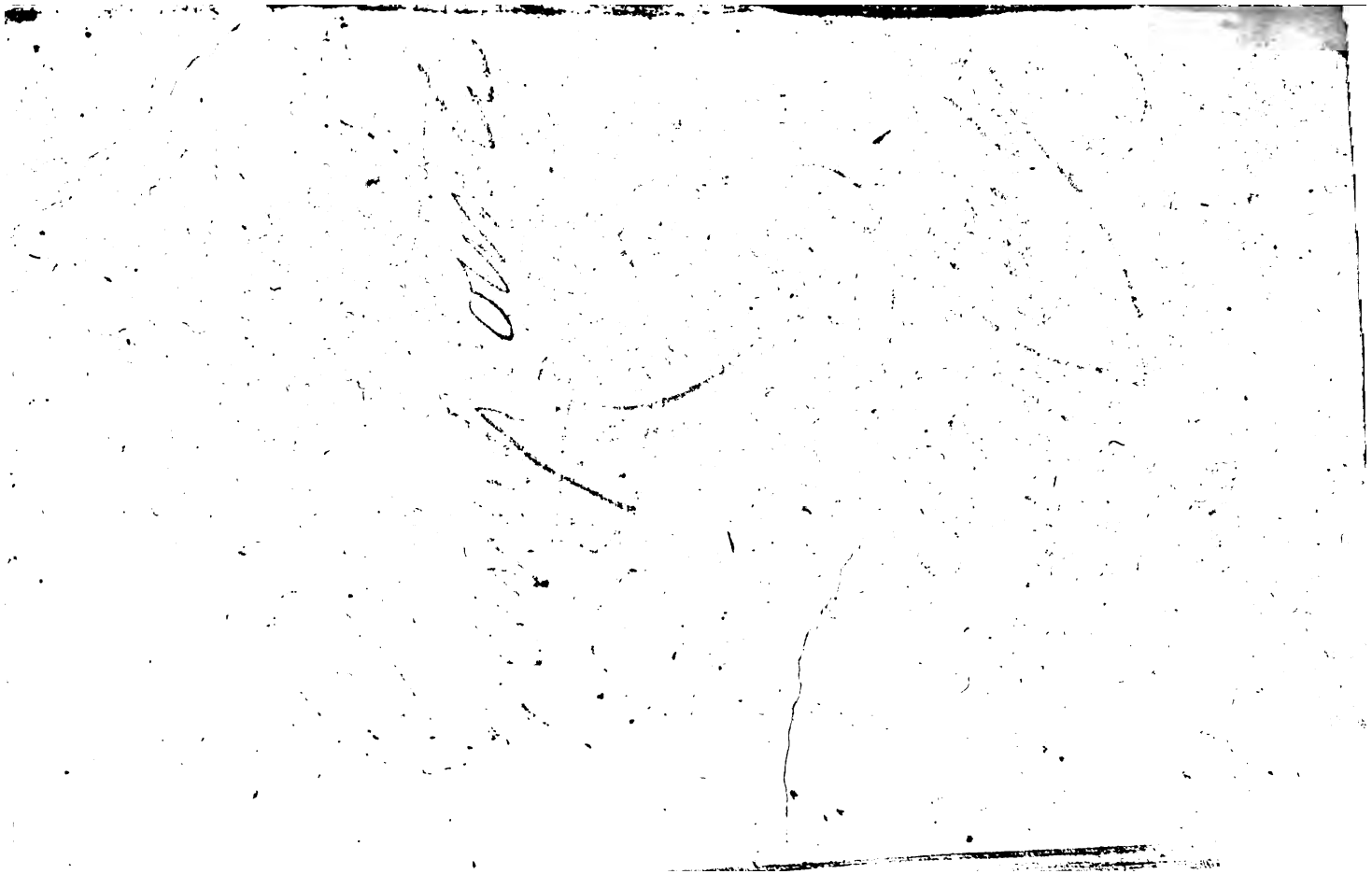

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